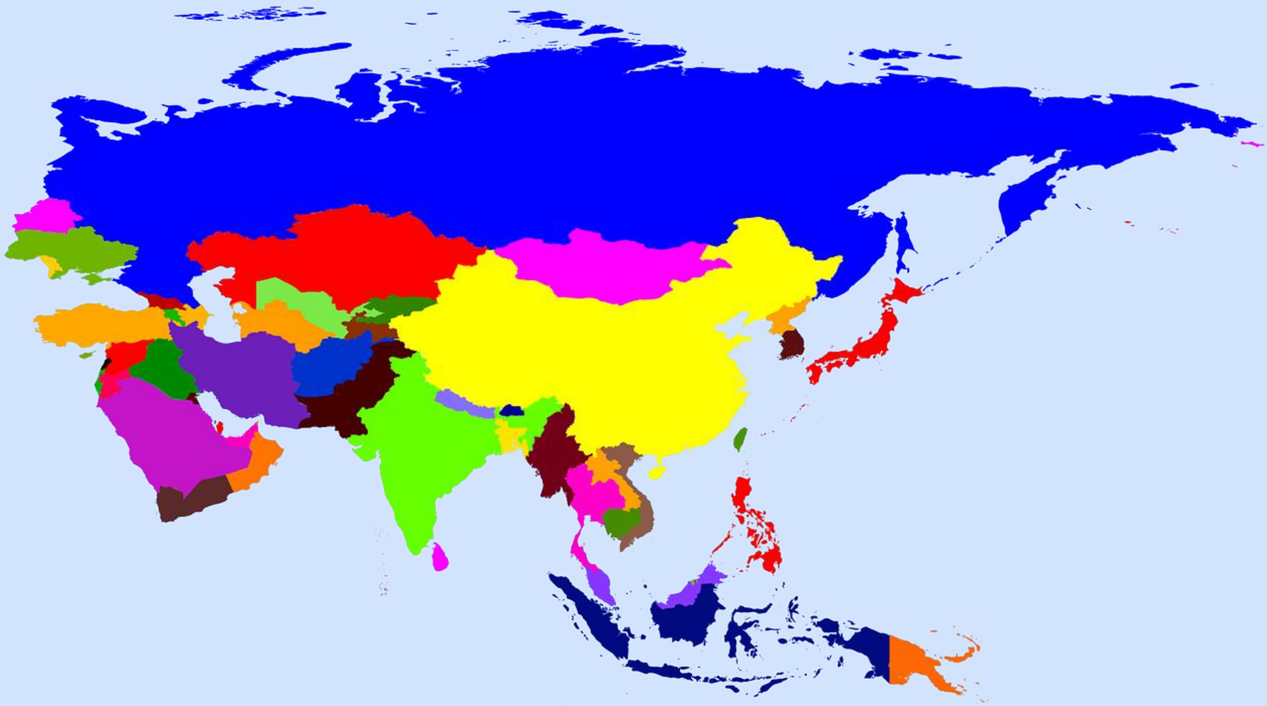
Destruction of Cultural Heritage and Armed Conflicts

Focus on Asia

Laura M. Herța
(Editor)



Presa Universitară Clujeană

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LAURA M. HERȚA
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PRESA UNIVERSITARĂ CLUJEANĂ
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Armed Conflicts
and Destruction of Cultural Heritage.
Introductory Notes

LAURA M. HERȚA

This book represents the scientific end results of some Master students, enrolled in one of the following programmes: *Dynamics of Cultural Landscapes Heritage Memory and Conflictualities* (DYCLAM, Erasmus Mundus Joint Master Degree), *International Communication,* and *Cultural Diplomacy and International Relations*. The authors have been master students in one of the three programmes during the period 2020-2023 and their chapters were initially submitted as academic papers for the exam pertaining to the discipline *Typology of International Crises*. As a holder of this course, I decided to group together some of the best papers, to closely work with the authors regarding updating and revising the texts, and then compile a series centred on the issue of armed conflict and destruction of cultural heritage or cultural property. This volume is the first book of this series and it focuses on case studies from Asia.

Most armed conflicts which took place after the end of the Cold War period (but some even before that) were intra-state wars, asymmetric, and often fought by irregular forces. Some of them were civil wars[1], some were labelled "new wars"[2] or "parasitic" or "predatory wars".[3] One main argument supported here is that most irregular wars / intra–state wars included certain strategies which were meant to hurt civilians, to forcefully

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[1] Monica Duffy Toft, *Securing the Peace: the durable settlement of civil wars,* Princeton University Press, 2009.

[2] Mary Kaldor, *New and Old Wars*, Stanford: Stanford University Press, 2001; Herfried Műnkler, *New Wars*, UK: Polity Press, 2005.

[3] Mary Kaldor, Basker Vashee, *Restructuring the Global Military Sector, vol. I: New Wars*, London and Washington: Pinter, 2007.

remove some groups from certain territories or to destroy cultural heritage and links of some groups with the territories which they inhabit. This is not to say that conventional, inter-state wars did not feature some of these traits (poisoning wells, burning villages, raping women), but rather that, in many recent and contemporary wars, strategies such as ethnic cleansing, destruction of places of worship, destruction of cemeteries, sexual violence and atrocities committed against civilians prevailed, and became the main tactics in order to defeat an opponent / the *other.* According to Kaldor, this is chiefly because new wars are identity-based conflicts (ethnic or religious ones).[4]

Conceptually, the underpinnings of the book are built on terms such as genocide, cultural cleansing, ethnic cleansing, and ethnocide. The phrase *ethnic cleansing* gained attention during the 1990s, because of the break-up of Yugoslavia. The term refers to "systematic attempts to create ethnically homogeneous geographic areas through intimidation, discrimination, the deportation or forcible displacement of persons belonging to particular ethnic groups (usually considered the opponent). Ethnic cleansing sometimes involves the removal of all physical vestiges of the targeted group through the destruction of monuments, cemeteries, and houses of worship."[5] Such attempts meant to "purify" and homogenize territories are deliberate strategies in armed conflicts. Tactics include a wide range of actions: discrimination, intimidation, exclusion of a group from the labour market, attacks against members of a group, or forceful displacement. *Genocide* is another essential concept and it refers to deliberate attempts to physically destroy a national, ethnic, racial or religious group. The term was coined by the Polish jurist Raphaël Lemkin, in 1942,[6] whose work is the forerunner of the international Convention on the Prevention and Punishment of the Crime of Genocide. For Lemkin, *cultural genocide*, understood as "destruction of either tangible or intangible manifestations of a group culture", was part of genocide, because it was a technique through which the latter was implemented.[7]

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4 Kaldor, *New and Old Wars.*

5 *Ibidem* and *Encyclopaedia Britannica*, http://www.britannica.com/EBchecked/topic/194242/ethnic-cleansing.

6 Douglas Irvin-Erickson, *Raphaëll Lemkin and the Concept of Genocide*, University of Pennsylvania Press, 2017, pp. 1-16.

7 *Apud.* Elisa Novic, *The concept of Cultural Genocide: an international law perspective*, New York: Oxford: Oxford University Press, 2016, p. 4.

According to Eisa Novic, "cultural genocide is the systematic destruction of traditions, values, and other elements that made one group of people distinct from another."[8] Cultural genocide has also been associated with practices aiming at "total destruction of a culture, so that the identity of a people ceases to exist" [9] or with cultural assimilation. More importantly, though, the term is used in correlation with "intentional destruction of assets of cultural heritage, such as cultural or religious monuments, in contrast to the idea of 'collateral damage'"[10] (just as systematic and coordinated sexual assaults on women and girls, during armed conflicts, is not (only) an abuse committed by soldiers, but rather a crime against humanity). In other words, for Robert Bevan "shattered buildings are not merely "collateral damage," but rather "calculated acts of cultural annihilation."

The United Nations Declaration on the Rights of Indigenous Peoples, in its Article 8, stipulates the following:

> "1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
>
> 2. States shall provide effective mechanisms for prevention of, and redress for:
>
> (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
>
> (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
>
> (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
>
> (d) Any form of forced assimilation or integration;
>
> (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them."[11]

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8 *Ibidem*, especially pp. 2-5.

9 Daphne Anayotos, "The Cultural Genocide Debate: Should the UN Genocide Convention include a Provision on Cultural Genocide, or Should the Phenomenon be encompassed in a Separate International Treaty?", *International Law Review*, Summer 2009, 99. See also Stefania Negri, "Cultural Genocide in International Law: Is the Time Ripe for a Change?", *Transnational Dispute Management*, October 2013, Vol. 10, issue 5.

10 Robert Bevan, *The Destruction of Memory: Architecture at War*, London: Reaktion Books, 2006.

11 United Nations Declaration on the Rights of Indigenous Peoples, United Nations, p. 10, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

The term *ethnocide* was also coined by Raphaël Lemkin, in 1944, in his book *Axis Rule in Occupied Europe*,[12] and seemed to be interchangeable with the term *genocide*. But the initial interpretation in the international legal community was that *ethnocide* was subsumed to *genocide*, because if a group is annihilated, its culture also dies or disappears.[13] However, later, by the 1970s, some anthropological interpretations focused on a different definition: "the intentional destruction of culture while keeping the people"; this interpretation was intertwined with the "impact of colonization and forced assimilation on indigenous peoples around the world."[14]

As previously mentioned, the focus of this book falls on case-studies from Asia. The study of the region includes various approaches (related to regional politics or area studies), but in terms of cultural heritage, this book starts from the way some scholars define it:

> "cultural heritage in East Asia tends to be understood in terms of its local specific manifestations, thus emphasising its difference from heritage in other regions. Its commonly recognised expressions are often related to certain distinctive cultural and social aspects, such as Confucian values, Daoist philosophy, Buddhist religious practices, languages based on ideograms and the use of specific local resources and technologies."[15]

Our volume comprises three case studies on Japan, written by Bianca Ardelean, Radu Ștefan Sabou, and Maxence Bouquet, one on South Korea, submitted by Elena-Maria Iusco, one case study on Sri Lanka, written by Teodora Iulia Oros, two case studies on the Philippines, elaborated by Kenneth J. Tua and Ana Georgia Sagum, one centred on Uyghur cultural heritage in the Xinjiang region in the People's Republic of China, written by Léonie Petitclerc, another one on Tibet, elaborated by Denise Navarro Becerra, one case-study on the destruction of Rohingya's cultural heritage, submitted by Ana Ursachi, and one on India and the demolition of Babri

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12 Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, The Lawbook Exchange, 2008.

13 *Cf.* American Bar Association, *What is Ethnocide?*, https://www.americanbar.org/groups/human_rights/dignity-rights-initiative/ethnocide-project/what-is-ethnocide-//.

14 *Ibidem.*

15 Akira Matsuda; Luisa Elena Mengoni, "Introduction: reconsidering cultural heritage in East Asia", in Akira Matsuda; Luisa Elena Mengoni (eds.), *Reconsidering Cultural Heritage in East Asia*, Ubiquity Press, 2016, p. 2.

Masjid mosque, written by Raluca Marcu. I would like to thank all authors for their contributions, dedication to the subject matter, and for their insights.

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Cultural Heritage of South Korea Kyeongju Historic Areas.

A Case Study on the Destruction of Hwangryongsa (Hwangryong Temple) – 황룡사

ELENA-MARIA IUSCO

Introduction

Recent decades have seen a significant change in the meaning of the phrase "cultural heritage," in part because of the tools created by UNESCO. Cultural heritage extends beyond monuments and artefact collections. It also includes customs or living expressions that have been passed down from our ancestors to our descendants, such as oral traditions, performing arts, social customs, rituals, holiday celebrations, and knowledge and customs related to nature and the cosmos as well as the know-how required to make traditional crafts.

Anything that is cherished today that was likewise valued in the past is considered a part of one's heritage. Our heritage is what we have received as gifts from our ancestors. Intangible values such as beliefs, practices, knowledge, and traditions are included in heritage along with tangible assets such as land, material things, monuments, and locations. Traditions can be created, recorded, recited, remembered, acted out, worn, displayed, and taught. Identity, energy, and unity among individuals and groups are fundamentally derived from heritage. Heritage is a universal process by which individuals keep ties to their pasts, claim shared characteristics and individual differences, and communicate to children and other young people

what they believe is significant and deserving of inclusion in the future. Heritage, by definition, only exists and is preserved because of the meanings people give to it. Different people discover and apply various values (cultural, spiritual, artistic, scientific, and economic) to things and locations that are otherwise the same.[1]

This paper has as its main subject one of the historical sites of Kyeongju, part of the Unesco Cultural Heritage since 2000. The history of the Temple and its cultural importance will be addressed in order to highlight the losses suffered during the Mongol invasion. The context of the destruction of the pagoda (Mongol invasions) will be the subject of the second chapter. This paper has as its starting point the question: Why are the Hwangnryongsa Belt and the Hwangnryongsa Temple pagoda important for the history and culture of South Korea?

1. Hwangryong Temple

Hwangnryongsa cultural site, part of UNESCO Kyeongju Historic Areas

In the form of sculptures, reliefs, pagodas, and the ruins of temples and palaces from the Silla dynasty's flowering culture, particularly between the 7th and 10th centuries, the Kyeongju Historic Areas are home to a unique concentration of exceptional specimens of Korean Buddhist art. The Silla dynasty governed the Korean peninsula for almost 1,000 years (57 BCE–935 CE), and the sites and monuments in and around Kyeongju provide exceptional evidence of its cultural accomplishments. These structures have had a particularly significant impact on Korea's development of both Buddhist and secular architecture. The land is divided into five separate parts, all of which are located in and around Kyeongju's downtown. Two Buddhist temples— Bunhwangsa Temple and the remains of Hwangnryongsa Temple—make up the Hwangnryongsa Belt. The largest temple ever constructed in Korea, Hwangnryongsa was built by King Jinheung (540–576 CE) and covered over 72,500 m2.

[1] John R. Welch, "Cultural Heritage: What is it? Why is it important?", *IPinCH Project*, 2014, pp. 1-2.



Dale Quarrington, "Hwangnyongsa-ji Temple Site," Dale's Korean Temple Adventures, 2020
(a computer generated image of what Hwangnryongsa Temple looked like)
https://koreantempleguide.com/hwangnyongsa-ji-temple-site-%ED%99%A9%EB%A3%A1%EC%82%AC%EC%A7%80-gyeongju/

Chronicles of Korean history

Two records in the case of Korea are based on ancient sources that have largely disappeared at this point. The earliest of these, Samguk Sagi (History of the Three Kingdoms), was written as the accepted history of that ancient era by Kim Pu- sik (1075–1151), a top official of the Koryo court. It has the same flaws as most official histories, putting events into a framework that pleases the government and leaving out any information deemed unpleasant or impolite. Samguk Yusa (Legends of the Three Kingdoms) is the second record and was compiled by Iryŏn (1206–1289), National Priest of Koryo. Also known as Memorabilia of the Three Kingdoms, is a compilation of legends, folktales, and historical narratives about the Korean Three Kingdoms (Koguryeo, Paekje, and Silla), as well as about other eras and

states that occurred before, during, and after the Three Kingdoms period. The Samguk Yusa is the 306th National Treasure.[2]

Chapter 70 of Samguk Yusa, entitled *The Sixteen-Foot Golden Buddha in Hwangryong Temple* mentions the temple in question for the first time in this historical chronicle:

> "In the second month of the fourteenth year of King Jinheung's reign (553) a yellow dragon appeared near the site of the detached Purple Palace, which was then under construction to the south of the royal residence. The King therefore changed the intended palace into a temple, naming it Hwangryong-sa. (This means Yellow Dragon Temple, but it was also called King Dragon Temple since the words for yellow (hwang) and king (wang) are pronounced almost the same in Korean.) The pagoda was built in the thirtieth year of the King's reign (569) and so the whole construction was completed in seventeen years."[3]

The King directed the delivery of the gold and iron from India to Kyongju in 574 so that it might be cast into a sixteen-foot Buddha statue. The pictures were successfully finished and installed in Hwangnryongsa's main hall.

The nine-story Hwangryong pagoda

The massive, nine-story building, which was finished in the seventh century, was made completely of wood with an interlocking design. It was one of the highest buildings in East Asia at the time of its construction, with a standing total height of 80 m. During the Silla and Unified Silla eras, which were Buddhist cultural pillars of their time, Hwangryongsa served as the epicenter of state-sponsored Buddhism. "Emperor/Imperial Dragon Temple" is what its name denotes.

The Samguk Sagi and an ancient document from Hwangnryongsa state that Queen Sondok constructed the nine-story pagoda in 645 after King Jinheung erected the temple in 553. It was hit by lightning in 698, and Ruler

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2 Ilyŏn, *Samguk Yusa: Legends and History of the Three Kingdoms of Ancient Korea*, trans. Tae-Hung Ha and Grafton K. Mintz, Silk Pagoda, 2006, p. 3.

3 *Ibidem*, p. 159.

Songdok, the following king, had it reconstructed in 720. During the reign of King Kyongmun, in 868, the pagoda was struck by lightning once more. That King restored the structure. In the fifth year of King Kwangjong of Koryo, 953, it was struck by lightning three times, and in the thirteenth year of King Hyonjong of Koryo, 1021, it was repaired. In the second year of King Chongjong (1035), it was struck by lightning a fourth time; it was rebuilt in 1064 under King Munjong. In the final year of King Honjong's reign, 1095, it was struck by lightning the fifth time, being rebuilted by King Sukjong in 1096.[4]

The pagoda was struck by lightning five times, but each time it was recovered, until, in the sixteenth year of King Kojong, massive fires started by the Mongol invaders on the Western Hill eventually demolished the entire edifice, along with the Golden Buddha and the temple buildings in 1238.[5]



(A miniature reconstruction of what the main pagoda may have once looked like. 1/10 scale) "1/10 scale model of Hwangnyongsa pagoda, which was burned and destroyed in 1238", Wikipedia, 2022, https://en.wikipedia.org/wiki/Hwangnyongsa#/media/File: A_scale_model_of_Hwangnyongsa_pagoda.jpg

4 *Ibidem*, p. 164.
5 *Ibidem*, p. 165.

The two largest Buddhist temples in the Three Kingdoms were the Wanghung- sa ("Temple of the King Ascendant") in Paekche and the Hwangnryongsa ("Temple of the Illustrious Dragon") in Silla, both of which were constructed to spread the principles of state protection. It is particularly significant the belief among the Silla people that the nine-story pagoda of the Hwangnryongsa reflected Silla's destiny to conquer nine other East Asian countries (including China and Japan) and obtain their tribute in loyalty is particularly noteworthy.[6]

Silla accepted Buddhism in earnest in the early 6th century, and many temples such as Hwangryongsa Temple, Bunhwangsa Temple, Sacheonwangsa Temple, Bulguksa Temple, and Mitansa Temple were built throughout Kyeongju. Hwangryongsa Temple, founded in 553 during the reign of King Jinheung of Silla, is the largest temple in the Silla Dynasty. Hwangryongsa Temple, the representative temple of the Silla Dynasty, is indispensable to understand the entire structure of the temple. The temples of the Three Kingdoms Period, which have been investigated so far, do not have much data on the outside of the corridor, and it is often difficult to estimate the exact scope of the temple. On the other hand, Hwangryongsa Temple is confirmed to have built a fence, which is the boundary with the surrounding area, in all directions, so it is possible to estimate the exact scope of the ministry. In other words, the space between the interior and exterior of the corridor, the exterior of the corridor and the exterior of the temple can be relatively clearly identified, making it a suitable place to estimate changes in the overall temple structure.[7]

The temple has been the subject of ongoing archaeological excavations and other scientific study since 1974. Massive foundation stones for the sermon hall, auditorium, and pagoda were discovered when excavation work was being done. The unusual arrangement of the temple grounds,

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[6] Ki-baik Lee, *A New History of Korea*, trans. by Edward W. Wagner, Harvard-Yenching Institute Publications, 1984, p. 60.

[7] Yeoseon Jeong, "A Review of the Changes Made to the Sites of Hwangnyongsa Temple during the Unified Silla and Goryeo Periods," MUNHWAJAE: *Korean Journal of Cultural Heritage Studies* 55, no. 1 (March 30, 2022), pp. 267–278.

which included one pagoda and three rooms, was uncovered after eight years of archaeological excavations and investigations. Around 40,000 antiquated objects were also unearthed. Although foundation stones and other structures from the temple's base were located through excavation, there are no traces of the higher design left behind, making the rebuilding of the entire complex all but impossible.



(Hwangryongsa Temple Site, Kyeongju) "Phenomenological classification of cultural heritage: Role of virtual reality - Scientific Figure", ResearchGate. https://www.researchgate.net/figure/Hwangnyongsa-Temple-Site_fig1_317109815

2. Mongol invasion and destruction of Hwangnryongsa

Mongols invasion and the military regime's resistance against them

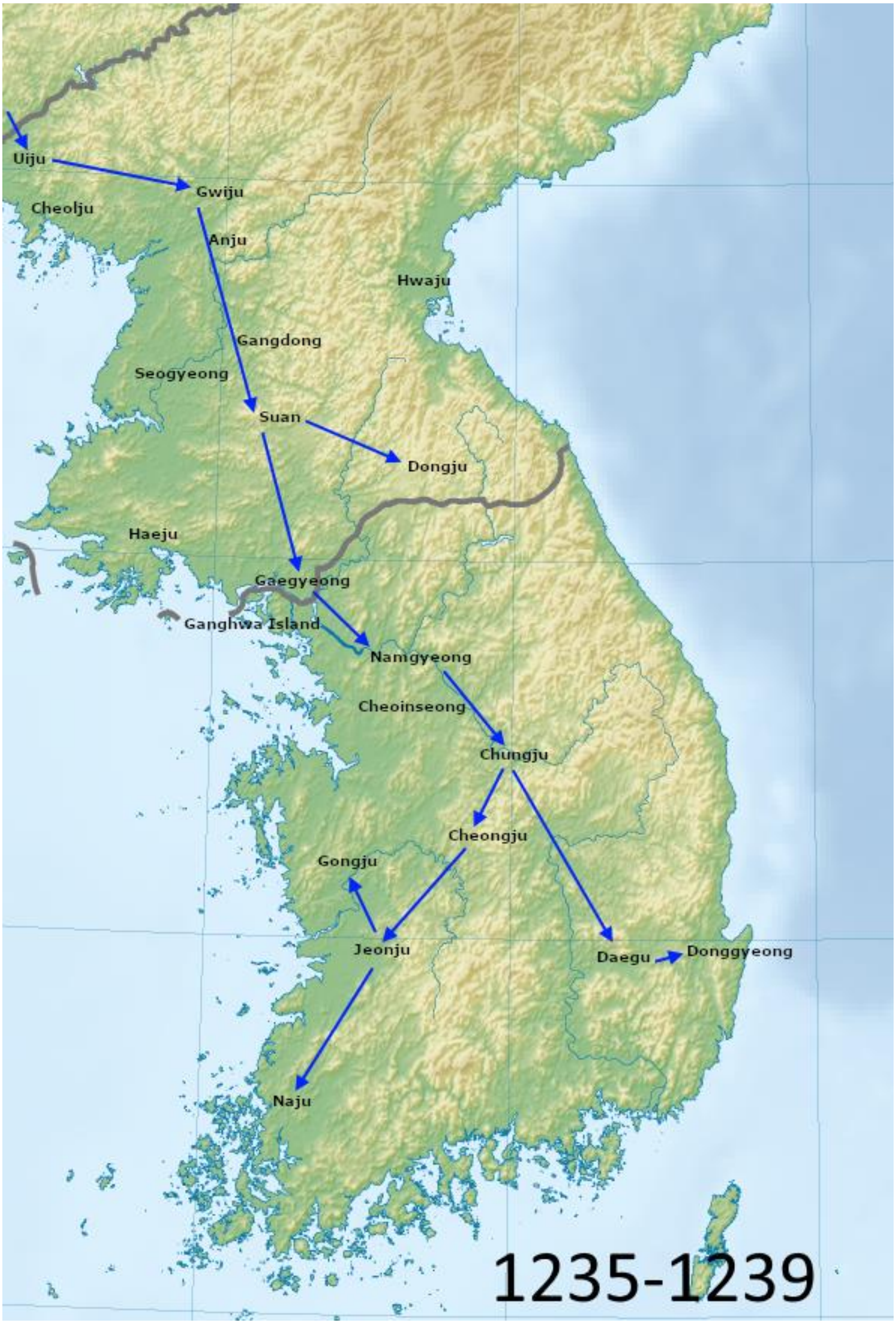
In the steppes of north central Asia, the Mongols first appeared as a nomadic herding people. Because the agricultural peoples to their south provided wealth, the Mongols' avaricious nature was naturally sparked, making the empires of the Chin and Sung, as well as Koryo, perfect targets

for invasion. The Mongols had another motivation to expand the scope of their conquests after defeating the Chin: to establish a base from which to conquer the Southern Sung and Japan.

In an effort to flee the Mongols, a ragtag army of Khitan retreated from Manchuria over the Yalu, and this led to the first encounter between Koryo and the Mongols. Khitan had seized the chance to declare their independence when Chin came under constant Mongol invasion, but once the city of Chin fell in 1215, Mongol pressure forced the Khitan into Koryo territory. The Khitan made a defensive stand at Kangdong Fortress, east of Pyongyang, after causing major unrest in Koryo's northern territories for more than two years, but were soon forced to submit by the combined Mongol-Koryo siege forces in 1219. Following this episode, the Mongols began to see themselves as Koryo's protectors and came to pay yearly tribute. However, their requests were too onerous, and Koryo repeatedly refused to give in. This was the direct reason why the two's relationship started to deteriorate. Following the death of the Mongol envoy Chu-ku-yü in 1225 while returning from Koryo, the Mongols finally used the tragedy as justification to invade Koryo for the first time in 1231.

Sartaq, the leader of the Mongol army, encountered Pak So's tenacious resistance at Kuju (Kusong), but he abandoned his siege there and drove toward Kaesong, the capital. When Koryo now requested peace, the Mongols withdrew their soldiers and left military governors (daruhaci) in charge of the northwest portion of Korea. The following year (1232), the capital was moved to Kanghwa Island. This decision was calculated to take advantage of the Mongols' weakness - their fear of the sea. Koryo's choice to oppose the Mongols brought about other invasions. However, Mongol assaults continued as before after the Mongol force fled once more after their commander, Sartaq, was killed by the monk Kim Yun-hu in the battle of Ch'oin-song (Yongin), later in 1232.[8]

[8] Ki-baik Lee, *op. cit.*, pp. 147–148 (trans. by Edward W. Wagner).



(1235 Mongol invasion of Koryo), "1235 mongol invasion of korea", *Wikimedia*, 2019, https://commons.wikimedia.org/wiki/File:1235_mongol_invasion_of_korea.png

Struggle of people

The farmers and lower classes initially supported the military regime's resistance against the Mongols. The brigand gangs on Mount Kwanak surrendered and joined the fight against the Mongol army during the initial Mongol invasion. Particularly well-known was the slave army's resistance in Ch'ungju under the command of Chi Kwang-su. Even though the aristocratic officials had all gone, they battled valiantly until the latter end to defend the town. The military administration had ordered the populace to seek refuge in mountain strongholds and on offshore islands while transferring the capital to Kanghwa. The Mongols adopted the strategy of destroying the mature grain fields by fire after failing to overcome the strong resistance of these redoubts. According to history, the Mongols took more than 200,000 prisoners with them on this occasion, while the number of dead bodies was too great to count and the entire area they marched through was reduced to ashes. Due to this population loss, entire villages were abandoned. Many priceless cultural artefacts that could not be replaced were also lost during this time, most notably the

Tripitaka woodblocks that had been produced 200 years earlier and were kept at the Puin-sa monastery in Taegu, as well as the nine-story wooden pagoda at Hwangnryongsa in Kyongju.[9]

Peace with the Mongols

In 1258, the civil official Yu Kyong and the military official Kim Chun killed the last Ch'oe tyrant, Ch'oe i. As a result, the king temporarily regained control and decided to make peace with the Mongols. The crown prince, later known as King Wonjong, travelled to the Mongols the following year to proclaim Koryo's desire for peace. In order to make it apparent that Kanghwa would no longer resist, its walled defenses were destroyed. The military men, on the other hand, were still dissatisfied with the Mongol peace treaty. Despite the fact that Kim Chun went along with the stream of thought, taking no active actions to oppose those fighting for peace, he was

[9] *Ibidem*, p. 149.

not enthused about the peace agenda. When Im Yon assassinated Kim Chun and seized power, the opposition to peace came to the fore. Im Yon eventually went so far as to remove the king, Wonjong, who had implemented the pro-Mongol policy. These occurrences indicate that an inextricable relationship had arisen between the pursuit of a Mongol-resistance policy and the maintenance of military rule. 1270 was the year when Koryo returned the capital to Kaesong and abandoned the fight against the Mongols.[10]

Conclusion

Built to propagate the ideals of state protection, Hwangryongsa, the huge, nine-story structure, completed in the seventh century, was the epicenter of state- sponsored Buddhism during the Silla and Unified Silla eras, which were Buddhist cultural pillars of their time. Since 1974, the temple has been the subject of continuing archaeological excavations and scientific research, where massive foundation stones for the sermon hall, auditorium, and pagoda were discovered.

Although completely demolished and likely impossible to replicate due to lack of information and design specifics, the Hwangnryongsa Temple nonetheless embodies vital concepts about the early moments and importance of Buddhism in South Korea.

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The Demolition of Babri Masjid

RALUCA MARCU

Introduction

In December 1992, the Hindu right wing nationalist group RSS (Rashtriya Swayamsevak Sangh) organised the demolition of a sixteenth century mosque, by the name of Babri Masjid.[1] This paper will tackle the actions leading up to the demolition, the event itself, as well as the aftermath of the demolition of the said sacred space located in the region of Ayodhya, India.[2] The aim of this academic paper is to answer the question of how can a new identity be constructed and assigned to a piece of cultural heritage and what purpose does this action serve?

Hindu Revivalism

In order to bring more context to the story of the Babri Masjid demolition, it is necessary to understand Hindu nationalism and its roots first. In the beginning, Hindu nationalism materialised in a dim form around the end of the nineteenth century in northern and central India, and militarised for upper castes interests.[3] Hindu revivalism has been more nuanced since the year 1925, when a handful of Hindu intellectuals felt the need to restore a sense of community among the people of India. Therefore,

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1 Paola Bacchetta, "Sacred Space in Conflict in India: The Babri Masjid Affair", *Wiley Online Library*, 17 December 2002, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 05.01.2023.

2 *Ibidem.*

3 *Ibidem.*

Keshav Baliram Hedgewar, a Hindu physician, created the aforementioned RSS.[4]

> "Hedgewar was of the view that an absence of national consciousness was responsible for the downfall of the Hindus and for the subjugation of India by the British. To him revival of Hindu religion and culture was the only way to inculcate a sense of pride among the Hindus about their past and their Hindu identity. Hedgewar conceived the RSS as an educational body whose aim was to unite the Hindus and make India an independent country and a creative society."[5]

In order to achieve this purpose, higher caste Hindus were recruited into the RSS and it was believed that after receiving the necessary training, these people would be able to unite the community so as to fight against colonial rule and against Islamic and Christian influences.[6]

From the beginning, the RSS was an all-male organisation which was deeply concerned with constructing Hindu male identity along militaristic lines. Thus, Hindu men were supposed to be strong, militarily prepared and capable of leadership. These characteristics will come into play later into this academic paper when identity construction will be tackled. In its inception, the RSS was seen as an organisation constructed as a reaction against the Muslim minority in India however, the founders of Rashtriya Swayamsevak Sangh were also militating against lower caste Hindus. This reaction stems from low caste leaders and Muslims joining their forces, beginning to attend each other's events and forming alliances. Moreover, the two forces even came together on a few occasions, in an attempt to attack the RSS founder, Dr. Hedgevar.[7] In 1980, the BJP (Bharatiya Janata Party) was founded, as part of the political wing of the RSS. This party came to be since the initial organisation had realised that it could not achieve its objectives and extend

4 Abdul Majid, "The Babri Mosque and Hindu Extremist Movements" in *Journal of Political Studies*, 31 December 2015, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966&v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 07.01.2023.

5 *Ibidem*.

6 *Ibidem*.

7 Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 05.01.2023.

itself, unless it got involved in politics.[8] Consequently, the BJP was established and was meant to serve as a Hindu alternative to India's Congress Party, which was the major secularist party. This new branch of the RSS was intended to serve as a tool for mass recruitment, since through the BJP, the RSS was able to extend the position of its activities from civil society to the state.[9] Since its inception, the BJP indicated a strong stance concerning the Kashmir region, as well as the Babri Mosque demolition. In this way, it convinced a part of the Indian society that the country was being deprived of its true character due to the overly secular policies of the abovementioned Congress Party.[10]

> "The BJP, however, needed more than an ideology to increase its following: it required a symbol to unite the Hindu nation and to arouse a feeling of hatred for the minorities, particularly the Muslims. There could have been no better opportunity than the one offered by the Babri Mosque issue. It provided an excellent chance to BJP to remind the Hindu masses of their past glory."[11]

More information about Hindu nationalism itself will be presented in the 'Constructing an Identity' part of this academic paper, as these notions are closely tied to the Babri Majid demolition. Therefore, this section of the paper only included the main organisations at play and their descriptions, not details regarding the ideology itself.

Constructing an Identity

This section of the academic paper will be focused on the Hindu nationalist interpretative framework, and it will go from general imaginings to very specific ones, directly connected to the Babri Masjid affair. In order to better grasp the general Hindu nationalist view, this paper will be

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8 Abdul Majid, "The Babri Mosque and Hindu Extremist Movements", *Journal of Political Studies*, 31 December 2015, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966&v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 07.01.2023.

9 *Ibidem*, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 05.01.2023.

10 Majid, *op. cit.*, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966&v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 07.01.2023.

11 *Ibidem*.

detailing on the following three pairs: Hindu/Muslims, bodies/territories, and temples/mosques.[12]

Beginning with the Hindus/Muslims pair, RSS ideologues assigned Muslims undesirable characteristics, while at the same time allocating Hindu men characteristics which they deemed as desirable. Therefore, Hindu men were required to be physically strong, capable of leadership, while the men from the Congress party (the opposition) were thought of as effeminate. On the other hand, Muslims men were labelled as perverted and aggressive. Hindu nationalist men are seen as the only rightful citizens of India, while Muslims are the enemies, and are held responsible for the collapse of the ancient glorious Hindu nation. The RSS believes that this glorious Hindu nation can be brought back, however in order to achieve that, the 'others', specifically Muslims, need to be assimilated, or even annihilated. To support their vision, Hindu nationalists divide Indian history into the Golden Age and the Age of Decline. The former is evidently assigned to the Hindus, while the latter to the Muslim and British period. RSS individuals even opted for western notions of racial categories, specifically the idea of an Aryan race. Through this lens, the RSS encouraged Hindus to imitate Nazi Germany's treatment of Jews in their relations with Indian Muslims, with the Brahmins being considered an Aryan race.[13]

Moving on to the bodies/territories part of the Hindu nationalist construct, they rewrote new meanings for these notions by drawing from colonial and well as Hinduism (as faith) signifiers.[14]

> "Hindu nationalists rewrite the Hindu religious notion of *kshetra*, or landscape as place in Hinduism-as-faith, to mean sacred landscape to which only Hindu nationalists are supposed to be attached. *Desh*, or the collective living space as place in Hinduism-as-faith, is for Hindu nationalists the land within the Hindu nationalist borders that must be purged of all Others."[15]

[12] Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 05.01.2023.

[13] *Ibidem*.

[14] *Ibidem*.

[15] *Ibidem*.

These 'others' are mainly the Muslim minority in India. Moreover, the RSS see the symbolic dimension of the territory as a goddess or Divine Mother. In this line of thought, Hindu nationalists claim that the Motherland has been defiled by the disruptive and destructive presence of Muslims. By analysing this information, one can notice that the RSS has gone to great lengths in order to establish a connection between the Motherland, Muslim male sexual aggression and Hindu emasculation. This connection they were so adamantly trying to build would later come into play in the demolition of the Babri Masjid.[16]

The final pair left to analyse is the temples/mosques pair. Similar to the Motherland discourse, Hindu nationalists extended the gendered bodies/territories association to the temples and mosques. In their view, temples are constructed as a feminine space, while mosques represent the Muslim masculine body, Muslim territory in general, and with that, mosques are also associated with the aforementioned Age of Decline. Therefore, the very presence of mosques on the territory of India is seen as defiling the 'chaste' body of the Hindu nationalist 'Motherland'.[17]

Now going back to the Babri Masjid affair and its constructed identity, one must first look at its history in order to prove just how far fetched the RSS's claims are. The mosque in question was built in the year 1528 and there is no actual evidence of conflict concerning it during its first 300 years of existence.[18] Hindus and Muslims would actually worship the site together, with British authorities being the first ones to divide them in the literal sense, by using a fence to separate the two groups.[19] The first recorded disagreements over the Babri Masjid were registered around the 1859-1860, and they only involved simple worshippers. Some Hindu practitioners were claiming that the temple had been built atop a former Ramjanmabhoomi temple (meaning a temple dedicated to the Hindu God, Rama). Historians however have refuted the claims that Babri Masjid was built on the spot of Rama's birthplace. This short conflict concluded when the local Government

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16 *Ibidem*.

17 *Ibidem*.

18 *Ibidem*.

19 ***, "Hinduism Case Study – Violence & Peace", *Harvard Divinity School*, https://hwpi.harvard.edu/files/rpl/files/violence_and_peace_hinduism.pdf?m=1597353731, accessed on 21.01.2023.

eventually decided that both Muslims and Hindus could use the site as a worship place, in separate parts of the mosque structure.[20]

The RSS and BJP focused their attention on the Babri Masjid Mosque as a strategic site for conflict around the year 1980. The mosque itself was an opportune target as it was located in an RSS bastion, it was located in central India, and it was also associated with Emperor Barbur, as well as the god Rama. The former was in fact believed to be the one who built the Babri Masjid in the first place. Four years later, Hindu nationalists passed a resolution at Delhi for the 'liberation' of the Rama temple, together with two other temples located in the city of Mathura, respectively Benares. Also in the 1980s, there were two important national developments which caused increased tensions between Hindus and Muslims, which then had an impact on the Babri Masjid affair as well.[21]

Firstly, the secular Government in India reinforced the Muslim Personal Law (aimed at formulating and Islamic code for Indian Muslims), which then became the main focus for the RSS' national-level demonstrations. Through this, "the Babri Masjid affair was part of a wider political setting that Hindu nationalists could construct as characterized by Hindu-Muslim conflict."[22] On top of this main event, the apparition of a Ramayana television series also contributed to the Hindu nationalist cause. This TV series popularized the god Rama and reinforced the idea that the town of Ayodhya was this god's birthplace. Moreover, the show alluded that Rama was in line with the Hindu nationalists and their interpretation of it, as a warrior god. Through this interpretation, Rama was presented in a very conservative and masculine lens, matching the way Hindu nationalists envision 'proper' Hindu men.[23]

The situation escalated soon after that, with Hindu nationalists beginning to take more decisive actions towards the Babri Masjid, by performing rituals at the site and even going as far as to start the construction of a Rama temple. This action was brought to a halt in 1990 by the V.P. Singh

[20] Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 22.01.2023.

[21] *Ibidem.*

[22] *Ibidem.*

[23] *Ibidem.*

Prime Minister, but only for four months. During these months, the Congress Party attempted to demobilize the growing Hindu nationalist momentum through bringing attention to the matter of caste oppression. On the other side of the coin, the Hindu nationalists naturally tried to shift the public attention back to their main point of interest, that being the Hindu-Muslim enmity.[24]

Through this well-orchestrated public campaign, Hindu nationalists managed to convince a wide number of people the presence of the mosque was a sign of Hindu humiliation by the Muslim invaders. Hindu men were thought to have failed to protect the Motherland, that being the territory of India. Hindu nationalists spined the tail that Emperor Barbur, the one who is believed to have built the Babri Masjid, built it on a former Rama temple. As previously discussed however, historians do say that there is no evidence to support these claims made by the RSS and BJP. Their discourse basically concludes with the suggestion that the mosque should be destroyed, in order to avenge the Hindu people, and must be followed by the building of the aforementioned Rama temple.[25]

In 1992 their plan came to fruition when an organized mob of at approximately 75,000 Hindus descended on the Babri Masjid and tore it to the ground. The people participating used hammers, rods, and shovels, while Indian authorities stood and watched. In the aftermath of this attack, interreligious rioting immersed several Indian cities, and by the end of the violence, over one thousand people (most of them Muslim) ended up dead in the first month alone.[26] One prominent feature of these riots was the alleged use of violence and sexuality against individuals, as a way of showing dominance. There were alleged sexual assaults committed against Muslim women, while Muslim men were reportedly being castrated. These riots were also not constrained to the territory of India. In England, Hindu nationalists and Indian Islamist immigrants retaliated and carried out acts of violence against each other's religious structures. In Pakistan too there was

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[24] *Ibidem*.

[25] *Ibidem*.

[26] ***, "Hinduism Case Study – Violence & Peace" in *Harvard Divinity School*, https://hwpi.harvard.edu/files/rpl/files/violence_and_peace_hinduism.pdf?m=1597353731, accessed on 22.01.2023.

some unrest, with some Hindu temples being attacked.[27] "This destruction of the Babri Masjid and subsequent massacres were not random, but the culmination of a long campaign of directed Hindu anger towards their Muslim neighbours."[28]

The intensity of these attacks, the nature of violence and its spread outside of India emphasizes that the Babri Masjid affair is not only site-specific. It can be argued that it has broader political implications, considering that the BJP political party used the Babri Masjid affair to gain support.[29] The razing of the mosque fulfilled one of the electoral promises of BJP. The message to those who believed in Hindu revivalism was evident- the party had lived up to its commitment and the forces which stood for the conciliation of minorities were too weak and indecisive to face it. BJP had obtained political dividends from the demolition of Babri Mosque and the Hindu-Muslim riots which ensued. It turned the entire affair into a symbolic election campaign, as the party expected mid-term polls in 1993.[30] Besides bringing popularity to the nationalist party, this crusade to demolish the Babri Masjid managed to polarize Indian society and create hostility between some sectors of Hindus and Muslims in India. On top of that, it brought along the rise of a militaristic-inclined Government that is hostile towards Muslims and neighbouring country, Pakistan.[31]

The Babri Masjid affair is just one example of how Hindu nationalists picked symbols and practices from dominant Hinduism and twisted them in order to serve their own political purposes. It is these new assigned meanings that became imposed in the public space and shifted people's views. People went from peacefully sharing this place of worship, to

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[27] Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 22.01.2023.

[28] ***, "Hinduism Case Study – Violence & Peace" in *Harvard Divinity School*, https://hwpi.harvard.edu/files/rpl/files/violence_and_peace_hinduism.pdf?m=1597353731, accessed on 22.01.2023.

[29] *Ibidem*.

[30] Majid, *op. cit.*, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966&v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 22.01.2023.

[31] Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 22.01.2023.

thinking this mosque is to be torn down in order to 'cleanse' the 'Motherland' of Muslim influences.[32]

> "The demolition of the mosque comes to represent the castration of the sexually aggressive Muslim male, and thus the restoration of Hindu male honour. The symbolism of this act is further reinforced through the alleged real castration of Muslim men in the riots in the demolition's aftermath. The alleged rape of Muslim women in the same riots constitutes the reversal of the supposed sexual violation of the Hindu Mother(land) symbolized by the mosque's original presence on what Hindu nationalists consider to be the otherwise pure, sacred body of the Hindu nation."[33]

It is also worth mentioning that the Babri Masjid was not the only mosque targeted by the RSS and BJP. In fact, throughout their campaign, they had planned to demolish over 3000 mosques, which they claimed had been built on top of former Hindu temples. In several cases, some of these mosques had to be closed due to pressure from the RSS and the BJP party. A few of the mosques targeted by the Hindu nationalists are the following: Masjid Dakan Sahay Jalandhar, Masjid Noor Saray Noor Mehal (in the Punjab region), Masjid Krishnagri, Masjid Arkat (in the Tamil Nadu region), New Masjid, Moti Masjid (in the Uttar Pradesh region), and many more.[34]

Many religious Hindus are appalled by the use of their religion for political purposes. Some pose the question: if god is indeed everywhere, in all people and things, as Hindus believe (in contrast to western monotheists), why do the Hindu nationalists seek god only in the Rama temple? This simple question could potentially undo the Hindu nationalist construction of the mosque as an enemy site to be destroyed and the Rama temple as a Hindu site, by questioning the very assignment of political meanings to places of worship.[35] Moreover, other similar questions are: "if god is everywhere, why did Hindu nationalists demolish smaller temples on the

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[32] *Ibidem.*

[33] *Ibidem.*

[34] Majid, *op. cit.*, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966 &v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 22.01.2023.

[35] Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 22.01.2023.

Babri Masjid compound to make room for the Rama temple? If god is everywhere, thus fragmented, how can god or any space supposedly containing god be appropriated for political ends?"[36]

Post-demolition

Years after the demolition itself, the Babri Masjid affair was still relevant in the Indian political sphere. In 2002 violence ensued when the BJP party organized tens of thousands of Hindu nationalists to march to the town of Ayodhya, where Babri Masjid is located, and build the foundation of a Rama temple. After said event, the train carrying the Hindus returning from Ayodhya was bombed. This event was blamed on Muslims, which then caused even more riots in which almost 2000 people died. Numerous people accused the nationalist party, the BJP for allowing these acts of violence, however these accusations did not stop the BJP from pushing for a Rama temple to be built. These promises concerning the temple had the expected result, with BJP's political leader, Narendra Modi, being elected as Prime Minister of India in 2014. Regardless of their increased popularity, many Hindus were still horrified by the violence, while other, mainly in the south of India, did not see a problem with said violence.[37]

Overall, the destruction of the Babri Masjid is just one part of the process of Hindu revivalism happening all over India.[38] "The Ayodhya Mosque incident reflects the growing wave of Hindu extremism and intolerance towards religious minorities. This negative sentiment has become very strong under the rule of Prime Minister Narendra Modi who endorses Hindu revivalism and this extremist ideology."[39]

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36 *Ibidem*.

37 ***, "Hinduism Case Study – Violence & Peace" in *Harvard Divinity School*, https://hwpi.harvard.edu/files/rpl/files/violence_and_peace_hinduism.pdf?m=1597353731, accessed on 22.01.2023.

38 Majid, *op. cit.*, https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A434799966&v=2.1&it=r&sid=AONE&asi d=233d5030, accessed on 22.01.2023.

39 *Ibidem*.

Jural Deity

"In civil jurisdiction, the Ayodhya dispute is one of the most influential in exposing the intractable contradictions that lie at the heart of the religious–secular debate in Indian democracy. Since at least 1949, the dispute has been riven by paradox as it can neither fully receive the heritage of secularism nor abandon its legacy altogether. This is because its moral and political language has continued to remain ambivalent, involving claims and adjudication around modes of worship, property rights and the legal status of the Rama deity."[40] In the Indian juridical system, deities actually have a legal presence, and in this specific case, the god Rama was represented in court by 'the Next Friends of the Deity', which is generally a person appointed by the state to oversee the interests of the said deity. In April 2002, three High Court judges begin hearings on determining who owns the religious site on which the Babri Masjid was built- will the territory be assigned to the Hindu group, the Muslim one, or to the deity? Years later, the Allahabad High Court verdict from 2010 attempted to provide a solution to the 125- year Ayodhya dispute by dividing the property into three parts. The majority decision gave the litigants – two groups of Hindus and one of Muslim – an equal share, while the Next Friends of the Deity and one of the cloisters of the monastic orders in Ayodhya were to share the third piece. This verdict however, was overturned by the Supreme Court a year later, and as of writing this, no definite decision has been reached regarding the property rights for the territory of the Babri Masjid.[41]

I wanted to mention the juridical aspect of this matter so as to underline the many layers of this dispute- political, religious, legal. Each of these layers is highly complex and carries with it a lot of aspects, some of which I did not get to tackle in this academic paper for it would have complicated the issue even more. Moreover, through this juridical paragraph, I wanted to emphasize that there still is not any conclusion to the Babri Masjid affair, not even in the juridical field.

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40 Deepak Mehta, "The Ayodhya dispute: The absent mosque, state of emergency and the jural deity", *Journal of Material Culture*, 28 September 2015, https://journals.sagepub.com/doi/10.1177/1359183515607093, accessed on 23.01.2023.

41 *Ibidem*.

Ending remarks

The Babri Masjid demolition is only one example of how an identity can be constructed, and how even seemingly harmless religious practices can be manipulated to fit political purposes. The RSS and BJP skilfully transformed the public view using colonial ideas, reinvented history to fit their narrative and assigned gendered notions to territory and spaces. As Paola Bacchetta mentions in her paper, "this remembering also implied forgetting"[42] meaning that while Hindu nationalists were using traditional Hindu beliefs, they were shifting their meaning in order to be in line with their ideals. By constructing these new identities, they assigned new meaning to a 500-year-old mosque, which they then destroyed as an act of 'cleansing' the 'Motherland' of Muslim influences. On a larger scale, Hindu nationalists rewrote history to villainize the Muslim minority and assign undesirable traits specifically to Hindu men. Their target did not consist only of Muslims, but of lower caste Hindus as well, who did not fit the mould that they have artificially constructed through former colonial ideas. On the note of assigning gendered notions, sexual notions to territories and spaces- a feminist perspective can be brought into discussion. Hindu nationalists are calling India the 'Motherland'- something that should be defended from the Muslim 'invaders' as they like to refer to the Muslim minority in India. However, India is infamous for its high sexual assault percentages (32,033 reported sexual assault cases in 2019 and 33,356 in 2018[43]) and lack of safety that it 'provides' to women. Therefore, it is quite ironical that they are assigning feminine terms to territory, in an attempt to imply that is should be protected, when Indian women are constantly fearing for their well-being.

This entire affair has wider implications, as it was previously mentioned in the paper- the Indian public is now more divided than ever, hatred towards the Muslim minority increased, riots pertaining to this issue

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42 Bacchetta, *op. cit.*, pp. 255-284, https://onlinelibrary.wiley.com/doi/abs/10.1111/0017-4815.00128, accessed on 22.01.2023.

43 ***, "Sexual Violence in India", *Equality Now*, https://www.equalitynow.org/learn_more_sexual_violence_in_india/, accessed on 23.01.2023.

have amplified and casualties and frequent. This is of course not happening only in India. This is just one case in a world that seems to be gravitating towards more and more nationalistic tendencies, the 'us' versus 'them' rhetoric that is prevalent in many countries. Far-right wing political parties promoting hate towards everyone who does not match their standards, values and religious beliefs. The rise of nationalism on a global scale is an alarming occurrence and it does not seem like it will stop anytime soon.

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Cultural Heritage in Japan

BIANCA ARDELEAN

Introduction

In this paper I will present a historical survey on the way Japan started to create a protection system for the cultural heritage, as well as how this system worked in the later period, until the present. I will also present the way in which the country protected the cultural heritage during the harmful events in the country. As a case study I chose the 2011 Earthquake, also known as the Great East Japan Earthquake, the memories of the archaeologists and the response of the country to the great loss of cultural heritage that came with this natural disaster. The purpose of this paper is to reply to the question: Is the Japanese response on the protection of cultural heritage loss majorly improved in the last 60 years in order to respond to a crisis situation correctly?

In the first part of the paper I will present a short history on how the protection system of the Japanese cultural heritage came into the focus of the leaders of the country between the 1500s and 1950s, and what led to the creation of this system.

In the second part of the paper I will present the more recent information and responses to crisis situations and the loss of cultural heritage, as the world was still recovering from the Second World War, as well as portraying the responses of Japan upon the more recent loss of cultural heritage. In this part I will also present several properties and historic monuments that entered the UNESCO World Heritage list.

In the third part of the paper I will analyse the response of the archaeologists towards the Great East Japan Earthquake and the response of the country in regard to the loss of the cultural heritage.

The protection methods of the Japanese Cultural Heritage until 1950s

Until the 1950s, Japan maintained its assumed policy of isolationism from the Western influence. The way Japan treated the cultural property can be traced back centuries before the Meiji Period. During the early 14th and early 15th century, even if Japan was interested in the trade with the outside countries or even European countries, they always feared the influence of Christianity over their citizens and with the trade came also the requirements of the other people over the market, which at a certain point scared the leaders of the country, as it was perceived as a threat to the liberty of the market.

Therefore, in 1587, the political master of Japan set a decree in which the traders, considered hungry for land, were not allowed to spread Christianity beliefs, as they represented the threat over the indigenous population. This decree was continued in the 1600s' as the difference between the advantages of trade were bigger than the disadvantages of religion, but as time passed it was discovered that the decree was not enough and Christianity was banned in the beginning of the 1600s. This continued further, as the coroners were required to renounce their faith, and as it was proved impossible to separate the religious influence from between the trade, the Japanese population was banned from going abroad, and in 1639 all Europeans except for the Dutch were expelled from Japan, as the country closed its border for almost 200 years.[1]

Once with the industrial revolution in the west, the United States wanted to open all markets in order to recover economically, and in doing so sent ships to Japan in order to sign a free market trade between the countries. In the 1800s, the first free market trade treaty was signed between the two countries and Japan was once more opened to the west trade, as

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1 G. R. Scott, "The Cultural Property Laws of Japan: Social, Political, and Legal Influences", *International Law Journal*, Washington 2003, March 1, pp. 322-326.

more and more countries became interested in the newly opened Japanese trade market. But as the trade treaty was considered illegally signed, without the consent of the Shogun, the anti-western and anti-European feeling in the country grew between the samurai, and highly place people, as well as among the population. But as the Meiji era begin, the country began to understand and enhance the need to protect the cultural property, as the country was now opened to the international market. In the mid-1800s. Emperor Meiji announces the Charter Oath of Five Articles and began a series of modernization and westernization of almost every aspect of the national life of Japan, in order to achieve a position in the family of strong countries in the world.

In order to become a super power next to the leaders of the world such as the big European countries and the United States, the country had to become accustomed to the western traditions and ideologies, and they came to the conclusion that the country requires large changes in order to become an equal partner to the other countries, which led to the implementations of the dramatic reforms of the Meiji Period.

The three major changes were made in regard to the legal tradition of Japan, the revolutionary westernisation in art and culture and finished with the growing trend of nationalism.

The first change regarding the traditional law and the westernization of the legal tradition came with the volume Treaties on Western Public Law, and with the creation of the Tokyo University College of Law, which later was transformed into the Imperial University of Tokyo. Following the creation of the University College, which focused on the Anglo-American private law subjects, a second law school was initiated, focused on the Department of justice, which tackled the subject of French civil law tradition and civil and commercial law. The subjects were usually taught in English or French and later German, and only after the Japanese Constitution was promulged in 1889, did the subject of public law came into the attention of the government.

The westernization procedure had many influences that can still be seen in today's Civil Code and Criminal Code. Between the 1870s and 1880s, the Civil Code of France has caught the attention of the Japanese and started

to translate and enforce the French Civil Code, and even appointed a French advisor to draft the Japanese Civil Code that was supposed to be effective in the 1880s. But soon after, the German model caught the attention of the Japanese leaders and hired a German advisor to draft the Criminal Code for Japan. Both of the French and German influences can be seen in today's law system. The same German advisor was hired to help at the drafting of the Constitution.

This decision of engaging and interpretating the Civil and Criminal law of other countries and to have this influence even over the Constitution has led to these influences to be seen as a struggle of the country. As Japan is considered a traditional civil law enforcer, the international community has changed its position on Japan regarding the international protection of cultural property.

One of this struggles can be seen in the 21st century, as for the civil law countries, including Japan, the conception of private property led to a difficulty in becoming members of international regimes like UNESCO[2], UNIDROIT[3] or Convention on the Means of Prohibiting and Preventing the Illicit Import, Exports and Transfer of Ownership of Cultural Property.

The second change regarding the revolutionary westernization came for art and culture. During the late 1860s, under the rule of the Meiji era, the country suffered of economic decline, as trade was almost extinct, the samurai had no way of making a livelihood and the farmers were held under a serious tax paying system and could not afford a living. The livelihood in the rural areas was rough, but in the urban area, once with the westernization focus of the period, the idea of Japanese culture and produce became inferior to the one from the West, as western haircuts, clothing, everyday objects and even food became highly prized and even the intermarriage between Occidental people and Japanese people became advocated in order to improve the Japanese racial stock.[4] But the field of culture and tradition has suffered the most in the westernisation process.

[2] United Nations Educational Scientific and Cultural Organization.

[3] International Institute for the Unification of Private Laws or Institut international pour l'unification du droit privé.

[4] Scott, *op. cit.*, p. 332.

The Japanese artists of time were forced to change their careers once their products became less sought for in their country and their talent was changed for the western products. As the westernization came in full force, they became impoverished and had to look for jobs outside their discipline. The same issue happened for the craftsman and their traditional talent. As the market for traditional Japanese cultural paintings and craftsmanship, such as woodworking and calligraphy, were lost and were forced to engage in selling their traditional arts on the western markets were quantity overcomes quality.

Once with the western influence embraced and forced in embracement by the leadership of the country, the Imperial Engineering College was constructed in late 1870s, and the art department was opened, where Italian artists were brought to teach the western techniques of painting and sculpting. Soon after the government decided to change the traditional Japanese brush to the western pencil, adopted by the signing of a formal policy, as the item to be used in the art school. These changes came with a bitter taste for the international community, as they believed the Japanese population was brought to be ashamed of its cultural tradition and were rather not speaking about it.

The third change that came with the westernization procedures endorsed in the Meiji Period was an increase in the nationalist feeling of the population and especially of the students, who perceived this westernization of all cultural and societal traditional Japanese heritage as a first step towards loosing their identity, and at the end of the 1880s, a movement conducted by two people was designed in order to resurrect and preserve the traditional culture in Japan.

Once with the westernization process of the Japanese culture and with the wester subjects being studied and taught in the Japanese Universities, many western professors came to teach the Japanese students. Some of these teachers started studying the Japanese culture and started to respect and accredit the Japanese culture and arts for its uniqueness. One of these professors was Fenollosa, which started teaching philosophy at the Imperial University in Tokyo. At the same time the professor came into the country,

a movement was started by a group names Ryuchikai, formed with the purpose of promoting the preservation and the advancement of the Japanese art.[5]

In the beginning of 1880s, the professor taught a class where members of Ryuchikai and of the governance were present, and in his speech he enhanced the uniqueness and the superiority of the Japanese art over the Western one, and encouraged the country to return to its traditional roots as well as the creation of and art movement that should emphasise the national traditions, Japanese culture and history. Fenollosa designed a three step plan in which the country should revive the desire of the national traditional art and crafts, these are the creation of a school of fine art, providing encouragement and support for the artist and the exhibition of the national traditional paintings and works of art. Soon after his speech was translated to Japanese, more and more people has taken upon his words and the movement for the traditional Japanese arts and crafts has started, which led to the dismissal of the European and Western painting from being presented in exhibitions and the closure of the Imperial University arts department.

Furthermore, one of Fenollosa's students, Okakura Kakuzo, became the Head of the Institute of Fine Art, and together with Fenollosa began a period of recognition of the Japanese traditional fine arts which led to Okakura being recognised as the symbol of the movement. The Okakura and Fenollosa movement continued to grow in the following years and as they partake in mission of discovering national traditional Japanese treasures throughout the country, they successfully changed the mind of the ministries of Art and Education and implemented changes in the educational system. One goal achieved was the reintroduction of the Japanese brush in the studying of arts in school and the expulsion of the western taught art influences in the Art Schools of Japan. Later on, these were reintroduced as secondary courses in the school programme in order to continue the modernization process. Another goal achieved was the change of mind of the Emperor regarding the westernisation of the educational system, and promulged that the students should be taught in the knowledge prescribed by their ancestors. The craftsmanship was highly supported by the Imperial

[5] *Ibidem*, pp. 332-334.

Court and the many artists regained their purpose on continuing the traditional Japanese craftsmanship.

Between the end of the 1890s and the 1950s period, several changes were made. After the movement ended with the death of Fenollosa and Okakura in the beginning of the 20th century, the movement changed in priorities, as the heads and the symbols of movement have died. Another factor for the decline of the movement was the pressure of industrialization and modernisation that came once with the change of the centuries.

Nevertheless, between the World Wars period, the Mingei Movement started and led by Yanagi Soetsu[6], with the purpose of stimulating the appreciation for the common objects and for the traditional Japanese craftsmanship in creating traditional day to day objects. Such crafts were pottery, ceramics, printmaking, and textiles, coming from the Edo period, which were highly sought after by the Westerners.

These two movements led to the pre-Second World War period appreciation of the traditional Japanese art and craftsmanship and to the finding and rescuing of the Japanese cultural treasures. The most incredible results of these two movement's efforts came the reignition of the traditional cultural heritage and soul in the Japanese population, and the promulgation of the numerous laws that protects the Japanese cultural heritage that came in place soon after the First World War.[7]

One of these laws comes as a response to the economic depression in the country, where all the antiques that were not noted yet as National Treasures were exported in order to recover economically. Between 1933 and 1950s, the Law Concerning the Preservation of Important Objects of Arts was designed in order to stop the export of the objects until they were designated as National Treasures. This law became ineffective in 1950, as the Law for the Protection of Cultural Properties came in act in the same year. Even if the latest law was designed to be a temporary one, some acts from it can still be seen in the 21st century law as well.[8]

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[6] *Ibidem*, pp. 344-345.

[7] *Ibidem*, pp. 346-349.

[8] E. Kakiuchi, *Cultural heritage protection system in Japan: current issues and prospects for the future*, GRIPS Discussion Paper, January 2017, p. 11.

The protection methods of the Japanese Cultural Heritage after 1950s

After the Second World War, the interest in tradition suffered a great decline, as the people were still facing psychological damage after Japan's defeat, and had to recover from the hyper-inflation and the heavy tax system.

In 1949, a fire at the oldest wooden structure of Japan the Horyu-ji Temple, which engulfed the Buddha Hall and destroyed several historical wall paintings, ignited a strong national sentiment for the protection of the cultural heritage, which led to the creation of the LPCP law of 1950.[9] Under this law the local government and the national government could take the necessary measures in order to protect the heritage, and the population and the owners of said artefacts are requested to cooperate with the government. The LPCP includes the pre-war tangible heritage, such as artefacts, buildings, historic sites, and monuments and defines them as intangible cultural properties. The law considers them as creations of historic, artistic, and academic value for Japan and represent an essential object of study for understanding the history and the culture of Japan, as well as for the forming of the cultural progress for Japan and for the world.[10]

Under the Law for the Protection of Cultural Properties, the government imposes strict rules for the repairing, exporting, and alternating the historically preserved cultural heritage and undertakes measures for the protection, preservation, and utilisation of said objects.

The 1960s-1970s period was seen as a rapid economic growth for Japan. This economic recovery was seen as a high development of the urban infrastructure and a development of the modernisation for the population. But this economic growth came with several disadvantages, as the population started to move to the urban area, the rural area became depopulated. This has come to the expenses of excessive centralisation, and the destruction of historic towns and of the environments surrounding the traditional buildings. Due to the rapid development certain arts, traditional customs and cultural properties were lost.

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9 Law for the Protection of Cultural Properties in 1950.

10 Kakiuchi, *op. cit.*, pp. 11-13.

Only after the construction of houses in the backyard of the Tsurugaoka Hachimangu Shrine[11], in the city Kamakura, a civic social movement was created in order to fight for the protection of the historic buildings and of the historic landscapes. This movement led to the creation of the Law for Preservation of Ancient Capitals in 1966.[12]

Even if LPAC[13] was enacted for only several cities, many local governments enacted on this law to create ordinances for the protection and conservation of the traditional environments around the cities and led to the re-evaluation of historic landscapes that were lost during the high-speed development of the country. This led to the revisions brought to the LPCP by the national government in 1975, some conservation techniques were updated, the protection for Buried Cultural Properties was strengthened, several new categories were introduced, such as the Cultural properties, Folk Cultural Properties and Folk Performing Arts, and the Groups of Traditional Buildings.

By changing the Law on Protection of Cultural Properties, the population became more engaged in the preservation of the Traditional Building and of the Folk Traditional Buildings and Traditional Arts.

During the 1980s and 1990s, the Japanese population became more and more interested in the cultural heritage and it became more important that material satisfaction. The cultural heritage became recognized as a cultural property for the social cohesion and local identity and a valuable resource for development. As a reply to this interest the local government took action in the preservation of the historic atmosphere and the states and cities became more active in utilising the historic sites for increasing the need for protection of the cultural heritage.

The biggest step towards the increase protection and for the development of the country, as well for the fulfilling of the modernisation era started many years ago, in 1992 Japan has ratified the UNESCO World Heritage Convention and many of the heritage sites in Japan were added to the World Heritage List over the next years.

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11 Registered on the UNESCO Tentative List of the World Heritage Convention.

12 Kakiuchi, *op. cit.*, p. 14.

13 Law for Preservation of Ancient Capitals.

Nevertheless, due to the modernization of the country, as well as the changes in lifestyles and the urbanisation period that followed over the course of the years, many traditional buildings that were not registered under the LPCP, were lost during the development transition period, and building with great cultural value were demolished or in danger of demolition. In doing so, the LPCP was revised, and a new category was introduced under its jurisdiction, and the owners of traditional houses with great significance to the cultural value were requested to register the house and they received help in protecting the houses, as well as receiving support and knowledge on how to restore and protect the outsides of the houses. This revision was extended to the Monuments and Folk Cultural Properties in 2004.[14]

Entering the 21st century, the social consensus on the importance of culture in Japan led to the creation of the Fundamental Law for the Promotion of Culture and Art in Japan in 2001. This law was created to incorporate a broad and inclusive definition of culture and to create provisions for the support of the cultural activities of the local governments, non-profit organizations, companies, and most of all citizens. In the previous Japanese Earthquake, the Great Kobe Earthquake, many non-profit organizations have helped the citizens and the victims of the natural disaster. In doing so, the Law to Promote Specified Non-profit Activities on 1996, and many of them continued to offer great support to the field of science, art, culture, and sport. By 2016, more than 50 thousand Non-profit Organisations were operating in Japan[15] involved in the culture of Japan and in the protection of the cultural properties, together with the government and the population.

In order to tackle the issues regarding the urban planning, the 2004 Act on Landscape was enacted in order to reply to the social demand of a more pleasant life in the Japanese communities as well as for the increase of tourists visiting the communities. This is the first act in the history of Japan that refers to the creation of beautiful and pleasant sceneries in cities and villages. In the Act it is stipulated that the national government needs to

[14] Kakiuchi, *op. cit.*, pp. 15-48.

[15] *Ibidem*, p. 15.

provide the financial support in order to zone and to creates restriction for the citizens in order to increase the pleasantry of the environment. In order to encourage and enhance the importance of this Act, the government and the NPOs are encouraged to actively implement the revisions of the law, and the LPCP was also revised in order to include a new category to the list of cultural properties.

Cultural Landscape was introduced to the list of cultural properties and the aim is on the protection of the important cultural landscape sites, such as rice terraces and coppice woodlands. The local governments became involved in the enhancing of these provisions and designed areas of their cities, and with the support received from the governments, they designated the area as cultural landscape for protection.

In order to combat the dissonance between the levels of Japanese tourists visiting other countries which is higher that the foreign tourists that come to visit Japan, the Tourism National Promotion Basic Law was fully revised in 2006 in order to create strategic measures that would increase the number of inbound travellers to the country. The first method that the number of incoming tourists was increased was by the creation of the Visit Japan Campaign. The second modality to increase the numbers was through the establishing of the Japan Tourism Agency within the Ministry of Land, Infrastructure, Transport and Tourism, and thus recognising the importance of tourism as an industry for the development of the country.[16]

The Tourism National Promotion Basic Law provides the utilisation of the local cultural assets, such as historical sites, monuments, landscapes and many more. Thus, the government reached the conclusion that the cultural heritage represents an important asset for the tourist promotion and therefore for the increase development of the country.

The Act on the Maintenance and Improvement of Historic Landscape in a Community was introduced in 2008 and was enacted in the joint authority of the cultural promotion, tourism and agriculture ministries that stipulates various measures to support the conservation of the cultural heritage through the extension of tax incentives and financial support.[17]

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[16] *Ibidem*, pp 15-49.

[17] *Ibidem*, p. 17.

All these acts and revisions of the LPCP led to the creation of a system for the protection of the Japanese cultural heritage, highly supported by the population, the government, and the non- profit organisations as a system of development for Japan.

The Response of Archaeologists towards the Cultural Heritage Loss in the Great East Japan Earthquake

After the Great East Japan Earthquake hit Japan in 11th of March 2011, the area affected spread to almost 500 km from North to South. The following tidal wave reached a height of 30 metres and inundation and destruction followed to kilometres inland, destroying everything in its path. Another important fact to remember is that the Fukushima 1 Power Plant of the Tokyo Electric Power Company was highly damaged, and radiation started to affect the area as soon as the events took place. The population on a 20 km radius was evacuated and the radioactive contamination has made it impossible for the authorities and for the archaeological team to start an investigation on the damages on the cultural heritage of the area, which would not be possible even after several years after the events.

When assessing the damage at large, the level of destruction regarding the national treasure and of the private buildings comes to more than 700 national cultural properties. Between these 5 national treasures, 160 important cultural properties, 90 historic sites and buildings, and hundreds of paintings, carvings, and many other artefacts. Other important buildings such as Museums and archives located in the area of the coast were damaged by the tsunami, while the inland buildings were damaged by the tremor of the Earthquake.[18]

The response towards the devastating events that took place in the country in 2011 was thought it will be similar to the 1995 Earthquake. Unfortunately, the situations are completely different as the magnitude of the disaster caused by the 2011 Earthquake and Tsunami were far greater than the previous time. The difficulty comes from the spreading of the

[18] A. F. Katsuyuki Okamura, *The Great East Japan Earthquake and cultural heritage: towards an archaeology of disaster*, March 2015, pp. 259-260.

affected areas, as several prefectures were hit by the disasters. In order to assess and start a recovery process required a central leadership and coordination that would then connect the actions taken on the prefectures. A second issue regarding the start of a recovery system for the cultural heritage lost in the events was the economic situation of the time. As the economy of the country was unstable, it proved harder for a team of archaeologists to gather all the financial help necessary for undertaking the harsh mission of excavating and rescue the cultural properties.[19]

The third issue encountered before the mission to rescue the cultural properties was the magnitude of personnel needed directed in order to cover such an immense area affected by the disaster, as in the past couple of years, the public offices that dealt with the cultural heritage categories has hired less and less and therefore less specialists were able to assess the situation of the artifact correctly in order to be rescued.

Even if these issues were perceived as an impediment for the rescue process of the damaged cultural properties, a system of rescue was organised. The process progressed at great speed, especially due to the fact that the Agency of Cultural Affairs immediately initiated a cultural property rescue programme. This programme required and targeted all properties designated or undesignated to the categories of LPCP, or privately owned, from being neglected, disposed of, sold to illicit traders or stolen and destroyed in the removal of debris from the reconstruction of the affected areas.

Nevertheless, the small number of personnel available to undertake such a huge mission still represented an impediment. Thus, certain Archaeological Associations held several forums in which the problem was tackled, and several solutions were found. One example of this Archaeological Associations is the Society of Archaeological studies, which held the Earthquake Disaster Forum in 23 and 24 April 2011, and tackled the serious situation in two areas and several actions were discussed as 4000 people were disponible to help in the rescuing process. Another archaeological society in Japan, one of the largest, the Japanese Archaeological Association held a

[19] *Ibidem*, pp. 263-264.

special session on the earthquake disaster and formed a specialised committee at the end of May 2011. During the meeting it was agreed that the members would proactively coordinate in a cooperation mission for helping the relief of the areas affected by the disaster through donations and participation in the rescue programme, as well as the reconstruction of the areas hit by the earthquake and the tsunami.

But in order to assess the magnitude of the situation, several historians, archaeologist and specialists in cultural informatics started a discussion online on how to provide help over to the ground team, which already started to rescue the properties from museums and other buildings. They reach the conclusion of formulating CEDACH, which stands for Consortium for Earthquake-Damaged Cultural Heritage, established at the end of March 2011. The main issue was the rescue, evaluation, and categorization of the properties from the damaged areas. At the same time, the local authorities began to assess the feasibility of relocating the most damaged coastal settlements in outside of danger areas. In order to provide help, CEDAH offered the support of the specialists in different domains in order to tackle the documentation and the restoration of the endangered cultural heritage properties.[20]

CEDAH constructed a social network of experts, a geospatial information infrastructure and a theoretical framework of disaster heritage study in order to make progress in the saving of the properties of cultural heritage lost the in the Great East Japan Earthquake, focusing on the buried cultural properties, such as the archaeological sites and other materials.

With the involvement of the associations and of the volunteers the programme of the rescue of the Japanese cultural heritage properties started in order for the country to be able to recover physically and mentally from these disasters.

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[20] Yu Fujimoto; Yasuhisa Kondo; Akihiro Kaneda; Yoichi Seino; Hiroshi Yamaguchi; Tomokatsu Uozu, *Organizing diverse and dispersed information on the endangered cultural properties by a voluntary initiative: consortium for the earthquake-damaged cultural heritage (CEDACH)*, Research Gate, https://www.researchgate.net/publication/267824574_Organizing_diverse_and_dispersed_information_on_the_endangered_cultural_properties_by_a_voluntary_initiative_consortium_for_the_earthquake-damaged_cultural_heritage_CEDACH.

Conclusion

Starting with the first part of the text regarding the history of the Cultural Heritage protection, we were able to see the way in which the decisions of the leaders of the country could influence the country in regard to its own traditions. This could be noticed during the Meiji Period, when the Emperor decided on the westernization of the country, after a period of ignorance of more than 200 years of the western culture and enclosure from them. After this period, the westernisation process led to almost the ignorance of the traditional Japanese culture, as more and more people began to be engaged and attracted to the western culture and adopted in their daily lives. This not only happened for the citizens of Japan, but several changes were made in the educational system and in the law system, changes that are still present in the 21st century.

The decision on recovering the lost traditions of Japan came once the traditional art and crafts started to fade and the majority of the artists began to endorse in other activities in order to survive. The movements created by the western professors and citizens, followed by the newer generations, led to an eye opening of the governance of the country that changes were necessary to be made in order to not loose the traditions and the cultural heritage of the country, as this was highly respected and sought after on the international stage.

By taking this decision, a period of law enforcement on the categorization of the main cultural heritages began, in which more and more subject of tradition and cultural heritage were added to the list of items that need protection in order to establish the cultural feeling of the country and its identity.

The early years of the post-World War periods appeared to be focused more on the recovery from the loss in the war, but soon after the citizens were looking after the feeling of nationality and of the cultural heritage in order to recover, as a way of establishing national unity. By doing this a more and more actualised system of protection and more investment was given to the traditional and folk art and culture in order to preserve it. This was

achieved by a constant consensus between the government and the population, thus creating a system of protection of cultural properties, which were later used in order to boost the country's economy on the touristic sector.

Thus, it created a system of response to internal and external conflicts or disasters and prepared the country with a purpose of saving and preserving the national heritage for further generations. Nevertheless, certain disasters, such as the Great East Japan Earthquake of 2011, serves as a model that a country can never be prepared enough in order to assess a disaster and a level of destruction over the cultural heritage such as the one coming from the Earthquake and the following tsunami. But the level preparedness shown by several actors of the rescuing of the heritage mission, as well as the rapidity of response and action towards the rescuing of the cultural heritage from the remains of the disaster remains an example for future generation on the actions needed to reply to such events regarding the saving and restoring of the cultural heritage.

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Cultural Heritage Dissonance
and Suppression of the Ainu People

RADU ȘTEFAN SABOU

Introduction

Cultural heritage conflict refers to situations where individuals, groups, or communities experience difficulties or disputes over cultural heritage that is significant to them, such as monuments, artefacts, buildings, landscapes, or intangible cultural traditions. This type of conflict can arise from a range of factors, including differing perceptions of cultural heritage values, competition for resources or political power, or conflicting cultural identity claims. Cultural heritage conflicts can have a significant impact on communities, leading to social and economic tension, loss of cultural identity, and even violence. It is therefore important to understand and address these conflicts in order to protect and promote cultural heritage and support sustainable development. The Ainu are an indigenous people who have lived in northern Japan for thousands of years. They have a distinct culture and way of life, with their own language, religious beliefs, and social customs. The Ainu have a rich cultural heritage that includes traditional dance, music, storytelling, and the use of natural materials in daily life, such as clothing made from deerskin and wooden utensils.

The purpose of this essay is to explore the cultural heritage conflict between the Ainu and the Japanese people. The Ainu are an indigenous people of Japan who have a rich and unique cultural heritage that has been passed down through generations. However, they have faced significant challenges to their cultural heritage, including discrimination and cultural assimilation policies imposed by the Japanese government. This essay aims

to examine the cultural heritage conflict between the Ainu and the Japanese people by exploring the history of the relationship between these two groups, the challenges faced by the Ainu in preserving their cultural heritage, and efforts to improve the relationship and support the preservation of Ainu culture. Through this examination, the essay will shed light on the complexities of cultural heritage conflict and the importance of preserving cultural heritage for future generations.

Historical context

The Ainu are believed to be descendants of a group of ancient indigenous people who lived in northern Japan for thousands of years prior to the expansion of Japanese settlement. The exact origins of the Ainu are not clear, and there are various theories about their ancestry and migration patterns. Some scholars believe that the Ainu are descendants of the Jomon people, who were the first human inhabitants of Japan and had a distinct culture and way of life.

The traditional Ainu culture was rich and diverse, with a unique language, religious beliefs, social customs, and way of life. The Ainu lived in small communities, primarily in northern Japan, and were primarily hunter-gatherers, fishing and hunting for their sustenance. They had a deep connection to the natural world, and their beliefs and customs reflected this close relationship. For example, the Ainu believed that everything in nature had a spirit, and they performed rituals to honour and appease these spirits.[1]

In terms of social customs, the Ainu had a matriarchal society, where women played a significant role in leadership and decision-making. They had a strong oral tradition, and passed down stories, songs, and customs from generation to generation. The Ainu also had a rich artistic tradition, including wood carving, weaving, and the creation of traditional clothing,

[1] Kamuy (similar to the Kami from the Shinto mythology) refers to the spirits or deities in Ainu belief systems. The Ainu traditionally believed that all elements of the natural world—such as animals, plants, and natural phenomena—possess a kamuy. These spirits are integral to their cosmology and are often associated with specific natural elements or forces.

such as the Ainu *kimono*[2], which was made from bear fur and other materials. In addition, the Ainu had unique musical traditions, including the use of musical instruments such as the *tonkori*[3] and *mukkuri*[4], which are still used in Ainu music today. Overall, the traditional Ainu culture and lifestyle was closely connected to the natural world, and reflected a deep respect for the environment and the spirits that inhabited it. This rich cultural heritage has been passed down through generations, and continues to be an important part of the Ainu identity today.[5]

Cultural heritage conflict

One of the most significant impacts of this colonization was the loss of Ainu land and resources, as the Japanese government seized control of Ainu territories for development and settlement.

This displacement had a profound effect on the Ainu way of life, as they were no longer able to rely on their traditional hunting and fishing practices for sustenance. In addition, the Japanese government also implemented policies aimed at promoting the Japanese language, customs, and values, and suppressing Ainu cultural practices and traditions.

During the Russo-Japanese War, which took place from 1904 to 1905, the Ainu people found themselves caught in the middle of a larger conflict

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2 Kimono = a long, loose traditional Japanese robe with wide sleeves, tied with a sash

3 Tonkori = a plucked string instrument played by the Ainu people of Hokkaidō, northern Japan and Sakhalin.

4 Mukkrui = a traditional plucked idiophone indigenous to the Ainu. It is made from bamboo and is 10 cm long and 1.5 cm wide.

5 Despite modern challenges, the Ainu community actively preserves and revitalizes their traditions through various means. Cultural organizations and local leaders work to promote Ainu language, arts, and rituals. Traditional practices such as inau (ritual offerings) and ayakashi (spirit ceremonies) are maintained and taught to younger generations. Efforts to document and teach Ainu folklore, crafts, and performances also play a crucial role. Additionally, the Ainu engage in cultural festivals and collaborate with academic institutions to ensure their heritage is recognized and celebrated. See more in "Ainu people", *Encyclopaedia Britannica*, https://www.britannica.com/topic/Ainu; Staff Writer, *The Ainu People: Indigenous Culture and Efforts to Preserve It*, https://japanupclose.web-japan.org/techculture/c20240229_3.html; Chisato (Kitty) Dubreuil, "The Ainu and Their Culture: A Critical Twenty-First Century Assessment", *The Asia-Pacific Journal*, Japan Focus, Volume 5, Issue 11, Nov. 2007, pp. 4-6.

between Russia and Japan. The Ainu territories were strategically important, as they were located near the border between Russia and Japan, and the Ainu were seen as a potential source of support for either side.[6]

In an effort to secure their support, both the Russian and Japanese governments made attempts to win over the Ainu. The Russians, in particular, saw the Ainu as a potential ally, and made attempts to promote their cultural traditions and independence. Meanwhile, the Japanese government took a more aggressive approach, using military force to control the Ainu territories and suppressing Ainu cultural practices.

Despite these efforts, the Ainu remained largely neutral during the war, and did not take sides. However, the conflict had a significant impact on the Ainu way of life, as the Ainu territories were used as a battleground, and the Ainu were subjected to violence and displacement. This had a lasting effect on the Ainu community, and contributed to the erosion of Ainu cultural traditions and practices.[7] Overall, the Russo-Japanese War had a profound impact on the Ainu people, and was an important chapter in the larger story of the Ainu cultural heritage conflict.

Appropriation of Ainu cultural artefacts and traditions

Appropriation of Ainu cultural artefacts and traditions often results in the commodification and commercialization of their cultural heritage. This appropriation has taken many forms over the years, including the use of

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6 During the Russo-Japanese War (1904-1905), the Ainu people, indigenous to northern Japan, were not directly involved in the military conflict but faced significant indirect consequences. The war intensified Japanese efforts to consolidate control over Hokkaido and other northern territories, which impacted the Ainu through increased settlement and resource exploitation. The conflict and subsequent Japanese policies led to further marginalization of the Ainu, exacerbating pressures on their traditional lands and cultural practices.

7 The Russo-Japanese War (1904-1905) had several negative impacts on the Ainu people. The war led to heightened Japanese military and administrative presence in Hokkaido and other northern regions, which intensified the pressure on Ainu lands and resources. As the Japanese government sought to strengthen its control over these territories, the Ainu experienced increased encroachment on their traditional lands, further marginalizing their communities. Additionally, the war efforts accelerated the assimilation policies aimed at integrating the Ainu into mainstream Japanese society, which undermined their cultural practices and traditional ways of life. See more details in "Russo-Japanese war", *History*, https://www.history.com/topics/asian-history/russo-japanese-war.

Ainu cultural symbols and motifs in commercial products, the unauthorized use of Ainu music and dance in films and television shows, and the exploitation of Ainu cultural heritage in tourist attractions and theme parks.

One of the most common forms of cultural appropriation is the use of Ainu cultural symbols and motifs in commercial products. This often takes the form of Ainu-inspired jewellery, clothing, and home decor, which are marketed to tourists as souvenirs or decorative items. The use of Ainu cultural symbols in this way can be seen as disrespectful and demeaning, as it reduces the significance of Ainu cultural heritage to a mere commodity to be sold and consumed.[8] Another form of cultural appropriation is the unauthorized use of Ainu music and dance in films and television shows. This often involves the use of Ainu traditional music in background music, or the use of Ainu dance in dance performances or cultural shows. This can be seen as a form of exploitation, as it appropriates the cultural heritage of the Ainu people without their consent or compensation.[9] Finally, the exploitation of Ainu cultural heritage in tourist attractions and theme parks is a major concern for the Ainu people. This often involves the creation of

[8] Ainu traditional symbols, jewellery, and clothing are rich in cultural significance and craftsmanship. Ainu clothing, often made from woven fibres, includes the attus (a long robe with distinctive patterns), which is decorated with geometric designs representing natural elements and spiritual motifs. Traditional Ainu jewellery, such as inau (wooden ceremonial sticks), koro (ornamental metal objects), and kumas (earrings), often features intricate patterns and symbols that convey cultural and spiritual meanings. Common motifs include representations of animals, such as bears and foxes, which are important in Ainu cosmology. See more in *Clothing of Ainu People. A short summary of some of the traditional clothing arts of Ainu people*, https://www.tota.world/article/58/.

[9] Traditional Ainu music is characterized by its distinctive vocal styles and the use of traditional instruments. One of the most notable forms is the inau song, which is performed during rituals and ceremonies to honour spirits. The mukkuri (a small, plucked mouth instrument) and the tonkori (a four-stringed instrument) are central to Ainu music, providing melodic accompaniment. Ainu songs often feature repetitive, chant-like melodies and are performed in a call-and-response format, reflecting a deep connection to nature and spirituality. More on this in Justin R. Hunter, *Vitalizing Traditions: Ainu Music and Dance and the Discourse of Indigeneity*, Dissertation, August 2015, https://www.academia.edu/26308365/Vitalizing_Traditions_Ainu_Music_and_Dance_and_the_Discourse_of_Indigeneity.

The Ainu people inhabited islands included in present-day Japan, Sakhalin Island, the Kuril Islands and the southern Kamchatka Peninsula. In Russia, only a dozen people remained, but no one talks about their existence in Russia today. See more on this in Yekaterina Sinelschikova, "Who are the Ainu and why do authorities still deny their existence?", *Russia Beyond*, June 27 2019, https://www.rbth.com/lifestyle/330576-who-are-ainu-people.

"cultural villages" or "indigenous theme parks" that showcase Ainu culture for the entertainment of tourists. The Ainu people argue that these attractions perpetuate stereotypes and misconceptions about their culture, and fail to accurately represent the richness and complexity of their cultural heritage.[10]

The appropriation of Ainu cultural artefacts and traditions is a major concern for the Ainu people, as it often reduces the significance of their cultural heritage to a commodity to be sold and consumed. The Ainu people are calling for greater respect and protection of their cultural heritage, and for greater recognition of their rights as an indigenous people.

Destruction of Ainu sacred sites and cultural landmarks

Ainu sacred sites, such as burial grounds, shrines, and other places of worship, hold great spiritual significance for the Ainu people, and their destruction can have a devastating impact on the Ainu community.

One of the main causes of the destruction of Ainu sacred sites and cultural landmarks is the expansion of commercial and industrial activities. In many cases, Ainu sacred sites have been destroyed or relocated to make way for development projects, such as highways, dams, and other infrastructure. This has led to the loss of Ainu cultural heritage and the displacement of the Ainu people from their ancestral lands.

Another cause of the destruction of Ainu sacred sites and cultural landmarks is the neglect and abandonment of Ainu cultural heritage by the Japanese government. In many cases, the Japanese government has failed to take the necessary steps to protect and preserve Ainu cultural heritage, leading to its decline and eventual destruction. This has resulted in the loss of Ainu cultural heritage, and has contributed to the marginalization of the Ainu people.

[10] Cultural villages and indigenous theme parks are designed to showcase and preserve the heritage of indigenous communities, including the Ainu. These attractions often feature reconstructed traditional dwellings, demonstrations of traditional crafts, and performances of indigenous music and dance. They aim to educate visitors about the customs, lifestyle, and history of the indigenous peoples, while also providing a space for cultural exchange. For the Ainu, such sites may include exhibits on traditional clothing, rituals, and daily life, helping to raise awareness and appreciation for their culture. See more on this in Dubreuil, *op. cit.*, pp. 32-41.

In recent years, there has been growing concern among the Ainu people about the destruction of their sacred sites and cultural landmarks. The Ainu community has been calling for greater recognition of their cultural heritage and for the protection of their sacred sites and cultural landmarks. This has included calls for the preservation of Ainu cultural heritage in museums, archives, and other cultural institutions, as well as for the creation of cultural heritage sites and monuments that celebrate Ainu cultural heritage.[11]

Developments throughout the history and contemporary efforts to address the conflict. 20th century developments

The Ainu cultural revival in the 20th century was a response to the long-standing efforts by the Japanese government to assimilate the Ainu people and suppress their cultural heritage. In the decades following World War II, the Ainu people began to reclaim their cultural heritage and seek recognition as an indigenous people. One of the key drivers of the Ainu cultural revival was the increasing awareness and activism of Ainu communities, both within Japan and abroad. This was fuelled by growing interest in indigenous rights and cultural preservation, as well as a growing sense of pride in Ainu heritage and identity. In the 1960s and 1970s, the Ainu people organized a number of cultural events and exhibitions, showcasing their traditional dance, music, and craftsmanship. This helped to raise awareness of Ainu culture, and sparked renewed interest in preserving and promoting Ainu heritage.[12]

[11] Several cultural heritage sites celebrate Ainu traditions, including the Ainu Museum (Porotokotan) and Upopoy National Ainu Museum and Park in Shiraoi, Hokkaido, which feature exhibits and educational programs on Ainu culture. Additionally, the Ainu Kotan in Sapporo offers reconstructed traditional dwellings and cultural demonstrations, while the Chikabumi Memorial Museum in Chitose highlights Ainu history and heritage. See more in https://ainu-upopoy.jp/en/ and Dubreuil, *op. cit.*, pp. 32-41.

[12] Notable events included the 1967 Ainu Cultural Festival held in Sapporo, which featured traditional dance, music, and craftsmanship, as well as the 1972 Sapporo Winter Olympics' Ainu cultural exhibits, highlighting their heritage to a broader audience. Additionally, the Ainu held various local exhibitions and performances across Hokkaido, including demonstrations of traditional Ainu crafts, music, and rituals, aimed at preserving their cultural identity and promoting greater public

The recognition of the Ainu as an indigenous people was formalized by the Japanese government in 2008, when the Japanese Diet passed a resolution acknowledging the Ainu as an indigenous people of Japan, and committing to supporting their cultural revival and promoting their rights. This resolution was seen as a major step forward for the Ainu people, and was widely celebrated by Ainu communities and indigenous rights organizations.[13]

The recognition of the Ainu as an indigenous people has had a profound impact on their cultural revival and the promotion of their rights. It has helped to bring greater attention to the cultural heritage and traditions of the Ainu people, and has paved the way for the creation of new initiatives aimed at preserving and promoting Ainu culture. In recent years, the recognition of the Ainu as an indigenous people has also been accompanied by efforts to provide greater support and resources to Ainu communities, including the establishment of Ainu language and cultural classes, as well as the creation of new museums and cultural centres. This has helped to create a more supportive and inclusive environment for the Ainu people, and has encouraged the preservation and promotion of Ainu culture for future generations.

Ainu activism and advocacy

The establishment of Ainu cultural centres is an important development in the effort to preserve and promote Ainu cultural heritage. These cultural centres serve as a hub for Ainu cultural activities, including

awareness. See XXX, *Ainu*, The Foundation of Ainu Culture, 2021, https://ainu-upopoy.jp/en/wp-content/uploads/sites/2/2022/05/47351cfba86d80534bd31fb99a600cff.pdf.

[13] In 2008, the Japanese Diet passed a landmark resolution officially recognizing the Ainu as an indigenous people of Japan. This historic resolution marked a significant shift in the government's stance on Ainu rights and cultural heritage. It acknowledged the Ainu's unique cultural identity and committed to supporting their cultural revival, including the preservation of their language, traditions, and practices. See *Japanese National Diet officially declares the Ainu indigenous*, 2008, https://www.loc.gov/item/global-legal-monitor/2019-08-05/japan-new-ainu-law-becomes-effective/; Masami Ito, "Diet officially declares Ainu indigenous", *Japan Times*, June 2008, https://www.japantimes.co.jp/news/2008/06/07/national/diet-officially-declares-ainu-indigenous/.

traditional arts, crafts, music, dance, and storytelling, and provide a space for the Ainu people to celebrate and share their cultural heritage with others.

One of the main objectives of Ainu cultural centres is to preserve and promote Ainu traditional knowledge and skills. This includes promoting the continuation of Ainu traditional arts, such as weaving, wood carving, and pottery making, as well as encouraging the preservation of Ainu cultural artefacts, such as clothing, tools, and household goods. The cultural centres also provide educational programs and workshops, which aim to increase public awareness and understanding of Ainu culture and heritage.[14]

In addition to preserving and promoting Ainu cultural heritage, Ainu cultural centres also serve as a community resource for the Ainu people. They provide a place for Ainu people to come together to celebrate their cultural heritage, and offer a space for Ainu people to connect with each other and with their cultural roots. The cultural centres also serve as a resource for researchers, who are interested in learning more about Ainu culture and heritage, and for tourists, who are looking for an authentic cultural experience. The establishment of Ainu cultural centres has been a major milestone in the Ainu people's efforts to preserve and promote their cultural heritage. These cultural centres have played an important role in promoting Ainu culture and heritage, and in building a sense of pride and community among Ainu people. The cultural centres are also a testament to the resilience and perseverance of the Ainu people, who have worked to maintain their cultural heritage despite centuries of cultural suppression and marginalization. The establishment of Ainu cultural centres is a positive development in the preservation and promotion of Ainu cultural heritage. These cultural centres serve as a hub for Ainu cultural activities, a resource for the Ainu community, and a symbol of the Ainu people's efforts to preserve their cultural heritage and build a strong cultural identity.

[14] Ainu cultural centres, such as the Upopoy National Ainu Museum and Park and the Ainu Museum (Porotokotan), serve as key institutions for preserving and promoting Ainu heritage. These centers aim to educate the public about Ainu history, culture, and traditions through exhibits, educational programs, and cultural performances. They also provide spaces for the Ainu community to engage in cultural activities, celebrate their traditions, and pass on their knowledge to future generations. See details in Dubreuil, *op. cit.*, pp. 29-30 and XXX, *Ainu*, The Foundation of Ainu Culture, 2021, https://ainu-upopoy.jp/en/wp-ontent/uploads/sites/2/2022/05/47351cfba86d80534bd31fb99a600cff.pdf.

Support from international organizations and governments

The United Nations Declaration on the Rights of Indigenous Peoples is a non-binding resolution adopted by the General Assembly of the United Nations on September 13, 2007. The Declaration sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education, and a number of other issues. The Declaration also acknowledges the unique contributions that indigenous peoples make to the world's cultural and biological diversity.[15] The Declaration was developed over a period of more than 20 years, and was the result of a collaborative process between indigenous peoples, governments, and non-governmental organizations. The Declaration was developed in response to the long history of human rights violations and discrimination faced by indigenous peoples around the world, and is designed to promote greater respect for the rights of indigenous peoples and to protect their cultural heritage and way of life. This statement recognizes the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice, and peace in the world. It also acknowledges that indigenous peoples have the right to self-determination, and that they have the right to own, use, develop, and control their lands, territories, and resources.

In addition to promoting the rights of indigenous peoples, the Declaration also calls on governments to take measures to protect indigenous peoples from exploitation, discrimination, and violence, and to ensure that

[15] Japan's approach to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has been marked by a gradual and evolving process. The Japanese government officially endorsed UNDRIP in 2007 but has faced challenges in fully aligning domestic policies with the declaration's principles. One key aspect of this implementation involves recognizing the Ainu people, Japan's indigenous group, who have historically faced marginalization. In 2008, the Japanese government officially recognized the Ainu as an indigenous people, which was a significant step towards aligning with UNDRIP. However, comprehensive measures to fully implement all aspects of the declaration, such as land rights and cultural preservation, remain ongoing and are subject to continuing dialogue and policy development. See more in Dev Kumar Sunuwar, "Ainu People Reclaim Their Rights", *Cultural Survival*, March 2020, https://www.cultural survival.org/publications/cultural-survival-quarterly/ainu-people-reclaim-their-rights.

their rights are respected and upheld. It also calls on governments to engage in constructive dialogue with indigenous peoples and to work towards reconciliation and the resolution of conflicts that have arisen as a result of historical injustices and ongoing discrimination. The UN Declaration on the Rights of Indigenous Peoples has been widely praised for its strong stance on the rights of indigenous peoples, and for its recognition of the importance of preserving and promoting their cultural heritage and way of life. The Declaration has been described as a landmark in the history of human rights, and has been celebrated as a significant step towards ensuring that the rights of indigenous peoples are respected and protected around the world.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has put pressure on the Japanese government in several ways. Firstly, the declaration establishes a global standard for the treatment of indigenous peoples and their rights, including the right to self-determination, culture, and lands, territories, and resources. This has put pressure on the Japanese government to reconsider its policies and practices towards the Ainu, the indigenous people of Japan, and to take steps towards ensuring their rights are respected. Secondly, the adoption of UNDRIP by the United Nations General Assembly in 2007 has brought increased attention to the situation of the Ainu and other indigenous peoples globally, including in Japan. This has put pressure on the Japanese government to address the issue and to be more transparent about its policies and practices towards the Ainu. Finally, advocacy and activism by Ainu organizations and their allies, both within Japan and internationally, have put pressure on the Japanese government to take action to address the rights of the Ainu. These efforts, supported by the principles and provisions of UNDRIP, have helped to raise awareness about the situation of the Ainu and to push for change.[16]

[16] Activism by Ainu organizations, such as the Ainu Association of Hokkaido and the Ainu Women's Association, has been instrumental in advancing the rights of the Ainu people. Their persistent advocacy has led to significant milestones, including the Japanese government's formal recognition of the Ainu as an indigenous people in 2008. Ainu activists have also played a crucial role in promoting cultural revitalization projects and pushing for legislative changes, such as the 2019 Ainu Culture Promotion Act, which provides funding for cultural preservation and education. Additionally, these organizations have engaged in international forums to highlight their cause, leveraging global support to pressure the Japanese government to adhere more closely to the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). See

Conclusion

The heritage conflict between the Ainu and the Japanese people is a complex issue that has its roots in a long history of cultural suppression, marginalization, and exploitation of the Ainu people. Despite the challenges they have faced, the Ainu people have been able to preserve and revitalize their cultural heritage, and have been working to gain recognition and protection of their rights and cultural heritage. The recognition of the Ainu people as an indigenous people of Japan, the establishment of Ainu cultural centres, and the support of international organizations such as the United Nations have been positive steps towards the preservation and protection of Ainu cultural heritage.

However, much work still needs to be done in order to ensure that the Ainu people's cultural heritage is respected and protected, and to ensure that their rights as indigenous people are fully recognized. The heritage conflict between the Ainu and the Japanese people highlights the importance of respecting and protecting the cultural heritage of all indigenous peoples, and serves as a reminder of the need to continue to work towards a more equitable and just society for all.

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Destruction of Cultural Heritage
as Consequence of Conflict.
Case Study: Burning of Jaffna Public Library

TEODORA-IULIA OROS

Introduction: understanding the concept of cultural heritage and why it is important

Throughout the world, there are various definitions used to describe the concept of *cultural heritage*. According to the International Council on Monuments and Sites (ICOMOS), cultural heritage includes conventions, practices, places, artifacts, creative manifestations, and values, and is a representation of the ways of life that a community has established for itself and passed down from generation to generation[1]. As described by the Central European University, cultural heritage is the legacy of tangible items and intangible aspects that a culture has inherited over time. Thus, it can be said that cultural heritage provides a link between the past and the future, as it is preserved in the present and passed down for generations to come[2]. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) understands the concept of cultural heritage as the collection of artifacts, monuments, structures, locations, and museums with diverse

[1] *Article taken from an online source*: *International Council on Monuments and Sites*, 2002, *apud* ***, "What is cultural heritage?", *Heritage for Peace*, Cultural Heritage, https://www.heritageforpeace.org/heritage-for-peace/what-is-cultural-heritage/, retrieved 2 February, 2023.

[2] *Article taken from an online source*: ***, "The Concept and History of Cultural Heritage", *Central European University*, Cultural Heritage Studies, https://culturalheritagestudies.ceu.edu/concept-and-history-cultural-heritage, retrieved 2 February, 2023.

values, such as symbolic, historical, artistic, aesthetic, ethnological, or anthropological, scientific, and social significance[3].

The umbrella term "cultural heritage" comprises three major types of heritage: tangible, intangible, and natural. Tangible heritage can be further divided into movable heritage (natural or man-made objects of historical importance such as artworks, relics, or manuscripts), immobile heritage (historically significant objects with strong foundations anchored to the ground, like archeological sites, churches or monasteries, castles, or monuments), and underwater heritage (towns or harbor structures that have remained underwater for years such as shipwrecks, historical and archeologically significant locations and artifacts). Intangible cultural heritage includes the activities, knowledge, talents, and techniques of specific communities which are recognized as being part of their cultural legacy. They can include customs, oral histories, performing arts and crafts, or rituals. Lastly, natural characteristics, geological and physiographical formations, and delimited regions that serve as the habitat for endangered animal and plant species, and sites that are valuable from the perspective of research, conservation, or natural beauty are considered to be part of the natural heritage. Natural sites that are privately or publicly protected, zoos, aquariums, botanical gardens, marine ecosystems, or sanctuaries, are common examples of natural heritage[4].

As cultural heritage plays an important role in the origins, identities, core values, and goals of any community or culture, it is a given that tangible, intangible, and natural legacies represent the primary target whenever conflicts arise. Whether we talk about the destruction of the residential complex of the Qing Dynasty by the British and French troops during the Second Opium War in 1860, the bombing of Japan's former Prefectural Industrial Promotion Hall by the US Air Force in 1945, the destruction of The Buddhas of Bamiyan by the Taliban in 2001, the demolishing of religious and

[3] *Article taken from an online platform*: ***, "Cultural heritage", *UNESCO Institute for Statistics*, Glossary, https://uis.unesco.org/en/glossary, retrieved 2 February, 2023.

[4] *Article taken from an online platform*: ***, "Natural heritage", *UNESCO Institute for Statistics*, Glossary, https://uis.unesco.org/en/glossary, retrieved 2 February, 2023.

historical buildings in the city of Timbuktu by jihadist in 2012, or the destruction of the Site Palmyra by the Islamic State of Iraq and Syria during the civil war in 2015, we can note that the heritage of various cultures and ethnic groups has been severely damaged, or even completely wiped out throughout history as a result of armed or social conflicts. This paper aims to present the case of the burning of Jaffna Public Library by Sinhalese individuals in 1981, and seek to answer the following question: *what was the motivation behind the act of ethnic biblioclasm?*

Setting: geographic references and historical landmarks

Sri Lanka, formally known as the Democratic Socialist Republic of Sri Lanka, is an island nation situated in southern Asia, in the Indian Ocean. With a population of about 21.6 million people[5], Sri Lanka is home to different cultures and ethnic groups, with more than 99% of the country's population being Sinhalese, Tamil (Sri Lankan Tamils, and Indian Tamils), and Muslims. The remaining 1% of the population consists of the Burghers Parsis, and Veddas population.

Jaffna, the capital of Sri Lanka's Northern Province, is situated on the homonymous peninsula and serves as Jaffna's District administrative center. Before being taken over by Europeans, Jaffna served as the capital of a Tamil kingdom for many years. Up to this day, the city still reflects many distinguishing aspects of Tamil culture. Before Sri Lanka was taken by the Dutch in 1658, Jaffna was the Portuguese's final stronghold in Sri Lanka. From 1795 to 1948, the British controlled Jaffna and the rest of the island. Jaffna served as a base for a Tamil separatist guerrilla group starting from 1983. Parts of the city were devastated and left in shambles when it was reclaimed by Sri Lanka's government forces in 1995. Nevertheless, rebel violence persisted in Jaffna throughout the twenty-first century.[6]

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5 *Worldometer*, https://www.worldometers.info/world-population/sri-lanka-population/, retrieved 2 February, 2023.

6 *Article taken from an online platform*: The Editors of Encyclopaedia, "Jaffna", *Encyclopedia Britannica*, 26 July, 2018, https://www.britannica.com/place/Jaffna-Sri-Lanka, retrieved 2 February, 2023.



Source: Encyclopædia Britannica. (1998). Sri Lanka [Image]. https://www.britannica.com/place/Sri-Lanka#/media/1/561906/61820.

Case Study: the Burning of the Jaffna Public Library

Starting as a modest private collection, the Jaffna Public Library as we know it today was constructed over several years, meeting with a terrible fate during the process.



Source: *Tamil Guardian*. (2001). Jaffna Public Library [Photograph]. https://www.tamilguardian.com/content/jaffna-library-burns-may-31st-1981?articleid=7962

Wishing to share his knowledge with the wide public, a benefactor by the name of K. M. Chellappah, established a free library in his very own home in 1933. In support of Mr. Chellappah's initiative, a group of avid readers gathered together, created a committee, and convened on June 9 to open a library. K. M. Chellappah was subsequently chosen as secretary, and Isaac Thambiah, who was a High Court judge in Jaffna during that time, was chosen to be the chairman. Thanks to the efforts of this group, a library was inaugurated on August 1, 1934, in a small rented space. Even though the library opened with only 844 volumes, and a small number of newspapers and magazines, it was frequented by both young and old residents who yarned for knowledge. More space was required as the library's collection of books rapidly increased. A relatively cheap membership charged from the patrons marked the beginning of book lending.

The library was so well-received, that the people required the construction of a brand-new building with modern features and, under the leadership of Sam Sabapathy, the first Mayor of Jaffna, a meeting was held to discuss strategies for raising funds to construct a new library. Therefore, a carnival, along with diverse artistic acts such as music and dance recitals were held, and the amount of money raised after hosting the event was used to building a library in accordance with international standards. The first construction phase began on March 29, 1953, and was finished on October 11, 1959, when the Mayor of Jaffna, Alfred Duraiappah, officially opened the building. In 1971, an auditorium was inaugurated on the first floor of the building, with the intention of hosting lectures, seminars, and literary or artistic events. Up until June 1, 1981, the Jaffna Public Library was home to around 97.000 priceless volumes, antiquated newspapers, and magazines[7].

Albeit they made up only one-fifth of the population, the Tamils were well-represented in the government until their independence in 1948, thanks to the British colonialists who ensured their status as a favored minority[8].

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[7] *Article taken from an online platform*: ***, "Note on History of Jaffna Public Library", *Tamilnation.org*, https://tamilnation.org/indictment/indict017.htm, retrieved 3 February, 2023

[8] Rebecca Knuth, "Destroying a Symbol: Checkered History if Sri Lanka's Jaffna Public Library", presented during *The World Library and information Congress: 72nd IFLA General Conference and Council*, 20-24 August 2006, International Federation of Library Associations and Institutions.

But Sinhalese Buddhists, who functioned under the idea that Sri Lanka was in its origins a solely Buddhist and Sinhalese state, came to dominate the government. Sinhalese officials made it their job to redress the perceived injustice by denying the Tamils any kind of economic, educational, and political resource. From their standpoint, promoting a Buddhist cultural revival required the slow removal of the Tamil dominance.

Although Buddhism is often associated with pacifism, in order to rule over Sri Lanka both demographically and ideologically, the Sinhalese argued that in their attempt to protect a genuine form of Buddhism, violent action is allowed. Buddhist nationalists claimed that the Sinhalese nation had been damaged by the influence of Christianity and the overall colonial influence. The disparities between the communities of Jaffna, along with other economic factors such as inflation, served to fuel future ethnic conflicts in the peninsula.

In 1981, during the eagerly anticipated elections, Tamils planned to address the deficit of political representation. Nevertheless, the Sinhalese United National Party was adamant about controlling the outcome and dispatched a group of police and paramilitary forces to scare the Tamil voters. Those were early signs of the imminent civil war that was to emerge on the Jaffna peninsula in northern Sri Lanka on May 31, 1981. The well-organized Sinhala mob consisting of about 100 police officers from Sri Lanka, was led by two infamously chauvinistic ministers: Cyril Mathew and Gamini Dissanayake[9], who happened to be around thanks to the District Development Council elections[10]. The two senior Sri Lankan cabinet ministers took the police forces to Jaffna to watch and interrupt a gathering put up by the Tamil United Liberation Front.

[9] *Article taken from an online platform*: Thamil Venthan Ananthavinayagan, "The Burning of Jaffna Public Library: Sri Lanka's First Step Toward Civil War", *The Diplomat*, 31 May, 2020, https://thediplomat.com/2020/05/the-burning-of-jaffna-public-library-sri-lankas-first-step-toward-civil-war/, retrieved 3 February, 2023.

[10] *Article taken from an online platform*: ***, "History in flames: remembering the burning of Jaffna Library", *Tamil Guardian*, 31 May, 2021, https://www.tamilguardian.com/content/history-flames-remembering-burning-jaffna-library-0, retrieved 3 February, 2023.



Source: https://www.gettyimages.ca/photos/robert-nickelsberg

The TULF, a democratic party, was the most significant political force in Colombo – the executive and judicial capital of Sri Lanka[11], representing the Tamil minority. As a result of the Sinhalese interference, the protest descended into chaos and turned into a deadly clash, ending up with three police officers being shot and killed. The Jaffna Public Library, at that time one of the biggest and finest book collections in South Asia, was the victim of an arson attack conducted by the Sinhalese mob.

The Jaffna Public Library was then set on fire by the police and paramilitary forces supported by the government[12], and the blaze raged unchecked for two nights. Along with other manuscripts of immeasurable

[11] *Article taken from an online platform*: The Editors of Encyclopaedia, "Colombo", *Encyclopedia Britannica*, 9 July, 2022, https://www.britannica.com/place/Jaffna-Sri-Lanka, retrieved 3 February, 2023.

[12] *Article taken from an online platform*: Kumarathasan Rasingam, "Remembering the burning of Jaffna public library", *Counter Currents*, 25 May, 2022, https://countercurrents.org/2022/05/remembering-the-burning-of-jaffna-public-library-41-years-on/, retrieved 3 February, 2023.

cultural significance, almost 97.000 volumes of books were destroyed. Scrolls with historic importance, as well as writings and manuscripts of multiple eminent intellectuals, philosophers, artists, and authors were among the forever lost treasures. Some of the priceless papers were typed on dried palm leaves and kept in cases made of aromatic sandalwood. The documents that were burned included the memoirs and writings of local leaders and writers who made vital contributions to the preservation of Tamil culture. One example of such a unique and important document is the sole copy of the Yalpanam Vaipavama, a history of Jaffna authored by Tamil poet Mayilvagana Pulavar in 1736. Other examples of valuables kept in the public library include microfilms of significant documents, miniature editions of the Hindu epic Ramayana, archives of the Morning Star – a journal produced by Christian missionaries during the island's European colonialism, and bygone collections of Tamil-language newspapers[13].

The TULF headquarters and the Ealanadu newspaper's office were among the many residences and businesses in Jaffna that experienced arson and violence when the conflict started. Cultural and religious icons of the Tamil people were damaged and vandalized. The main targets of the Sri Lankan police were the political opponents who posed against the setting of this planned violence. From the porch of the neighboring Jaffa Rest House, Matthews and Dissanayke observed the Jaffna Public Library burn in the background. They later stated that the burning of the library was an unfortunate episode where drunken policemen went on a looting spree. In post-colonial Sri Lanka, this explanation of lone looters and rioters came to be repeated by Sinhala authorities and media, thus creating some sort of immunity against the law. The destroyed library was turned into a representation of physical and psychological brutality for the Tamil people. The attack was perceived as a violation of their education, academic success, and, moreover, ideals. The burning of the public library served as well as a focal point for Tamil separatists who used it to spread among the Tamil public the notion that their identities were threatened to become extinct.

[13] *Article taken from an online platform*: Thamil Venthan Ananthavinayagan, "The Burning of Jaffna Public Library: Sri Lanka's First Step Toward Civil War", *The Diplomat*, 31 May, 2020, https://thediplomat.com/2020/05/the-burning-of-jaffna-public-library-sri-lankas-first-step-toward-civil-war/, retrieved 3 February, 2023.



Source: Tamil Guardian. (2019). [Photograph]. https://www.tamilguardian.com/content/38-years-remembering-burning-jaffna-public-library

Days after the destruction of his cherished institution, Reverend Father David, a scholar and prominent member of the community, had reportedly passed away from shock. His death symbolizes the loss experienced by every Tamil person alive on that day and every generation that followed[14]. In order to commemorate him and his contribution to the construction of the library, a statue was built and placed in the courtyard of the library.

Both the leader of the Tamil United Liberation Front and the leader of the opposition, Mr. Amirthalingam, delivered harsh speeches in the Sri Lankan Parliament following the arson attack. Another instance of impunity in the nation was brought on by the failure to conduct a thorough investigation into the burning of the Jaffna Public Library and the failure to hold those responsible accountable. The library served as the intellectual capital of the Tamil nation. As ethnic cleansing often targets historical sites and the collective identity of ethnic groups, the Jaffna Public Library fire was a more complex incident than a mere arson act. It was, in fact, a terrifying foreshadowing of the impending destructive war that began two years later, in 1983, with the infamous Black

[14] *Article taken from an online platform*: ***, "History in flames: remembering the burning of Jaffna Library", *Tamil Guardian*, 31 May, 2021, https://www.tamilguardian.com/content/history-flames-remembering-burning-jaffna-library-0, retrieved 3 February, 2023.

July[15]. With the community's wholehearted implications into rebuilding the famed library, rooms that had been partially renovated were opened again for the public in 1984, only to be yet again caught in the crossfire a year later, in 1985. A librarian was successful in negotiating safe passage for the employees and pupils when Tamil militants stormed a police station close to the library. The civil war which concluded with thousands of Tamils being killed by Sinhala mobs backed up by the United National Party government and state forces ended in May 2009, leaving behind it the second-highest number of arbitrary arrests in history[16]. However, the burning also conveyed a more important message, that individuals in positions of authority are sometimes able to erase one's cultural identity.



Source: Anton Croos. (2012). *Jaffna Public Library* [Photograph]. https://upload.wikimedia.org/wikipedia/commons/a/ad/Public_Library%2C_Jaffna.JPG

[15] *Article taken from an online platform*: Thamil Venthan Ananthavinayagan, "The Burning of Jaffna Public Library: Sri Lanka's First Step Toward Civil War", *The Diplomat*, 31 May, 2020, https://thediplomat.com/2020/05/the-burning-of-jaffna-public-library-sri-lankas-first-step-toward-civil-war/, retrieved 3 February, 2023.

[16] *Article taken from an online platform*: ***, "Remembering Black July – 39 years since the pogrom", *Tamil Guardian*, 23 July, 2022, https://www.tamilguardian.com/content/remembering-black-july-39-years-pogrom, retrieved 3 February, 2023.

Aiming to deprive the Tamil people of their pride and honor, the library was set on fire. The act sought to eradicate their cultural legacy. In an effort to gain the support of the Tamils, the Jaffna Public Library was recently rebuilt with the generosity of donors and governmental efforts. After a terrible fire and a bloody civil war, the library is once more standing. It is proof of Tamil tradition and resilience, with or without the priceless documents.

20 years after the burning of the library, Nadarajah Raviraj, the mayor of Jaffna from back then, declared that the events that took place on that fateful night of May are still strongly imprinted in his memory. The murder of Mr. Raviraj occurred in Colombo in November 2006. Unfortunately, his assassination remains unsolved, as no one has been found guilty. As the head of the United National Party in 2016, Prime Minister Ranil Wickremesinghe expressed his regrets for the library fire that occurred while the UNP was in power in 1981.

The ghost of the old building of the public library continues to haunt the Jaffna Peninsula, as its former body, damaged by fire, stricken by bullets, and wounded by bombs still stands unrepaired up to this day as a ghastly reminder for future generations.

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Article taken from an online source: International Council on Monuments and Sites, 2002, *apud* ***, "What is cultural heritage?", *Heritage for Peace*, https://www.heritageforpeace.org/heritage-for-peace/what-is-cultural-heritage/.

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Philippine Cultural Heritage for National Security:
Law Perceptions on Human-Induced Conflicts (TS) and Natural Hazards (NTS) in the Philippines

KENNETH JAVIER TUA

Introduction

Security, in its most basic form, is understood as the well – being and the prosperity of an individual against threat. It starts from the specific personal level to collective, the society or the modern nation – state. The concept of security is always structured around people and their safety. Security can be understood as the highest level of safety for the involved subjects or actors, including the state, government, organization, enterprise, community, family, and individual.[1] The Republic of the Philippines defines 'National Security' as now being equated not only to the traditional notions of National Defense and Regime Survival, but also to the overall well – being of the citizens, the promotion of economic development, and the protection of the environment and natural resources.[2]

Threats in National Security can be classified into two: Traditional Security (TS) threats and Non – Traditional Security (NTS) threats. TS are considered as primary that deals with the protection of the state and territory from human – induced conflicts: military threats, armed conflicts, and

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[1] T.A. Hoang *et al.*, "Management of Nontraditional Security: A New Approach", *ResearchGate*, 2019. Available at: https://www.researchgate.net/publication/334290018_Management_of_Nontraditional_Security_A_ New_Approach , [Accessed November 9, 2020].

[2] Government of the Republic of the Philippines (GRP), "National Security Strategy (NSS): Security and Development for Transformational Change and Well – Being of the Filipino People", *Official Gazette of the Republic of the Philippines*, 2018. Available at: https://www.officialgazette.gov.ph/downloads/2018/ 08aug/20180802-national-security-strategy.pdf [Accessed November 9, 2020].

complex emergencies such as transport accidents, demolitions etc. due to bad governance, while NTS issues are secondary which ensures safety, stability and development of the human capital amidst natural hazards, climate change, pandemic and the likes. Apart from this, in many developing and poor countries, human security issues are not considered vital as against TS. NTS revolves around the human face of security where socio – economic survival and sustenance are central. NTS is also defined as human security.[3]

In the Philippines, prominent threats affecting cultural heritage are centered on 'human – induced conflicts' (TS) and 'natural hazards' (NTS). Human – Induced conflicts normally comes in the form of heritage structure demolitions due to bad governance and armed conflicts in the southern region. On the other hand, the recurrent natural events are floods, earthquakes, volcanic eruptions and landslides which are greatly felt throughout the country.[4] Both threats directly and indirectly raise alarm on the national security for both intangible and tangible cultural heritages in the country.

The purpose of this paper is to answer the question *How does local laws, the heritage chapter and related documents on Cultural Heritage addresses human – induced conflicts and natural events and disasters in the Philippines?* Moreover, examples and case studies from the three major islands of the country namely Luzon, Visayas, and Mindanao are analyzed to identify policy gaps and to formulate knowledge streams in further mobilizing national security for cultural heritage in the country. Lawangen (2018) stated that "policies are often copied or based on external contexts, most are top – down in approach, non – flexible and are untested if its relevant to local communities. Local inputs are rarely considered and these limitations in the current policy

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[3] Anthony M. Caballero, *From Comprehensive Security to Regional Resilience: Coping with Nontraditional Security Challenges*, Economic Research Institute for ASEAN and East Asia Economic Research Institute for ASEAN and East Asia (ERIA), 2017. Available at: https://www.eria.org/ASEAN_at_50_4A.7_Caballero- Anthony_final.pdf [Accessed November 9, 2020].
A.B. Yelery, *China's post-cold war New Security Paradigm: a case study of its policy towards West Asia*, Shodhganga Centre, 2006. Available at: https://shodhganga.inflibnet.ac.in/handle/10603/29666 [Accessed November 9, 2020].

[4] K. Tua, "ASEAN Endurance: Multi-sectoral coping mechanism for Southeast Asia's cultural landscapes amidst fear and human insecurity", *Gestos e palavras: a Humanidade em construção (Gestures and words: Humanity under construction)*, Instituto Politécnico de Tomar, 2020.

development resulted in legislations that are less responsive, less engaging, and are less accepted and supported by the public". Therefore, the scope and limitations of the study is to analyze local laws, the heritage chapter and related documents on Cultural Heritage at a national level for tailor – fitted and timely recommendations as opposed to relying on international counterparts.[5]

Materials and Methods

The 2000s to present-day revealed the intensified vulnerability of Asia – Pacific's Cultural Heritage from human – induced conflicts and natural events and disasters (hereafter referred to as Threats). The escalation of susceptibility from these threats in the Philippines can be traced as the result of the country's lack of policy controls, stringent procedures and mobilization allotment for the heritage law (Malilong and Ramos – Shahani, 2018)[6], moreover, the latter is considerably affected by climate change, which lies behind the increasing frequency and intensity of some natural hazards, further exposing cultural heritage to new threats where few used to exist and increasing the vulnerability of sites already at risk.[7]

> "There is a need to ensure that appropriate measures for preparing for, responding to and recovering from disaster and armed conflict situations are reflected in cultural heritage policies and practices. Much needs to be done in terms of enhancing baseline information, building capacity and mobilizing resources at all stages from preparedness to recovery. The resilience of other

[5] A.O. Lawangen, *Participatory 3D mapping in bridging the integration of indigenous resiliency culture into community – led disaster risk reduction: The Case of Tublay, Philippines*, International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region (IRCI), 2018. Available at: https://www.irci.jp/wp_files/wp-content/uploads/2019/03/e5768ee6f828ab8a056811dcd2d747 5b.pdf [Accessed November 9, 2020].

[6] A.A. Bulan, "The government blatantly lacks cultural heritage literacy", *Nolisoli*, 2018. Available at: https://nolisoli.ph/49096/the-government-blatantly-lacks-cultural-literacy-abulan-20180918/. [Accessed November 10, 2020].

[7] Council of Europe (COE), *Cultural Heritage on Climate Change*, 2018. Available at: https://www.coe.int/en/web/europarisks/cultural-heritage1/-/asset_publisher/Z2tQEabq2rXZ/content/international-conference-on-culture-against-disasters-protecting-cultural-landscape-as-prevention-of-natural-disasters-?inheritRedirect=false [Accessed November 10, 2020].

immovable and movable cultural heritage also needs to be strengthened in the context of disaster risk reduction" (WHC, 2020).[8]

The heritage law and related laws, guidelines, and chapter concerning the abovementioned threats were gathered through retrieving information from the official government websites and concerning organizations. Data collated at the time of the study shall only be the basis of the analyses as laws and policies have the tendency to be amended at any given time.

Republic Act No. 10066, also known as the "National Cultural Heritage Act of 2009" and its Implementing Rules and Regulations (IRR) briefly stated armed conflict, natural events and disasters and other exceptional events that endanger the cultural heritage of the country, there are no detailed categories of the phenomena and general provisions,[9] correspondingly only a Cease and Desist Order (CDO) can be undertaken during an immediate threat to the property or its features or cultural value.[10]

> "Sec. 7. Privileges for Cultural Property of Article III. Cultural Property states that "All cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments shall be entitled to the following privileges: (d) In times of armed conflict, natural disasters and other exceptional events that endanger the cultural heritage of the country, all national cultural treasures or national historical landmarks, sites or monuments shall be given priority protection by the government." (RA10066, 2010).
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> "Sec. 34. Cease and Desist Order (CDO) of Rule VII. Orders, Resolutions and Decisions states that "Whenever the Hearing Officer finds prima facie evidence that the current action on the property constitutes an immediate threat to the property or its features or cultural value, it may issue or recommend to the Chairman of the Board to issue an ex-parte order directing the discontinuance of

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[8] World Heritage Centre (WHC), *Improved Safeguarding for Cultural Heritage Threatened by Armed Conflict and Natural Disasters Aim of Regional Conference: Background*, United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre (WHC), 2015. Available at: https://whc.unesco.org/en/news/1402 [Accessed November 10, 2020].

[9] Government of the Republic of the Philippines (GRP), "Republic Act No. 10066", *Official Gazette of the Republic of the Philippines*, 2010. Available at: https://www.officialgazette.gov.ph/2010/03/26/republic-act-no-10066/ [Accessed November 10, 2020].

[10] Government of the Republic of the Philippines (GRP), "Implementing Rules and Regulations of Republic Act No. 10066", *Official Gazette of the Republic of the Philippines*, 2013. Available at: https://www.officialgazette.gov.ph/2013/03/07/implementing-rules-and-regulations-of-republic-act-no-10066/ [Accessed November 10, 2020].

the same or the temporary suspension or cessation of operation of the establishment." (IRR of RA10066, 2013).

Republic Act No. 9851, also known as the "Philippine Act on Crimes against International Humanitarian Law, Genocide, and Other Crimes against Humanity" defined the terms armed conflict, armed forces, and protected person. Chapter III. Crimes against International Law, Genocide, and other Crimes against Humanity states that in cases of international and non – international armed conflict, and other serious violations of the laws and customs applicable in armed conflict such as intentionally directing attacks against buildings dedicated to religion, art and historic monuments, will be subjected to the ruling of Geneva Conventions of 12 August 1949 and within the established framework of international law.[11]

Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (IHL) between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) indirectly stated that heritage structures in the form of religious institutions and places of worship shall not be the target of any attack and shall be bounded by generally accepted principles and standards of IHL.[12]

Republic Act No. 8371, also known as "The Indigenous Peoples' Rights Act of 1997" and its Implementing Rules and Regulations (IRR) extensively states the rights of Indigenous Peoples (IP) during armed conflicts and recognizes their cultural diversity in the ff.: Sec. 15. Justice System, Conflict Resolution Institutions, and Peace Building Processes of Chapter IV. Right to Self – Governance and Empowerment, Sec. 22. Rights during Armed Conflict of Chapter V. Social Justice and Human Rights, and Sec. 31. Recognition of Cultural Diversity and Sec. 33. Rights to Religious, Cultural Sites and Ceremonies of Chapter VI. Cultural Integrity. Unfortunately, the law is not

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[11] Government of the Republic of the Philippines (GRP), "Republic Act No. 9851", *Official Gazette of the Republic of the Philippines*, 2009. Available at: https://www.officialgazette.gov.ph/2009/12/11/republic-act-no-9851/ [Accessed November 10, 2020].

[12] Government of the Republic of the Philippines (GRP) & National Democratic Front of the Philippines (NDFP), "Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law", *Directory of Armed Non-State Actor Humanitarian Commitments*, 1998. Available at: http://theirwords.org/media/transfer/doc/ph_ndfp_1998_17-ef3249df335f48cd378d1c5082457be4.pdf [Accessed November 10, 2020].

inclusive as it does not apply to the existing Autonomous Region of Muslim Mindanao (ARMM) which critically needs this. The act also observes international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, therefore, Sec. 72. Punishable Acts and Applicable Penalties of Chapter XI. Penalties does not explicitly state specific grounds and levels on addressing violations during such conflicts at a national level. Penalties stated in this law may or may not be sufficient depending on the extent of the violation or crime, hence, it cannot easily be mirrored to International standards due to the country's contextualization and national values.[13]

Philippine Heritage Charter (PHC) for Heritage Sites and Spaces, and Their Associated Environments, 2016 (hereafter referred to as Charter) is inspired by a myriad of references such as the Venice, Burra, Nara, and Indonesia Charters, as well as the International Council on Monuments and Sites (ICOMOS) Charter on the Built Vernacular Heritage, the ICOMOS Ethical Commitment Statement, and the RA 10066. The IV. Principles and General Conservation Guidelines of the Charter clearly states the ff.: 1) Disaster and Risk Reduction and Management: Principle, Article 5 recognizes Philippines as a hazard – prone region and its vulnerability to natural events and disasters as well as the effects of climate change and geologic processes and susceptibility to human – induced disasters. Its explanatory notes emphasize the built heritages' equal prioritization and attention in the National Disaster Risk Reduction and Management Framework.; and 2) Conflict Prevention, Resolution, and Management: Principle, Article 13 calls for conflicts involving Heritage Sites and Spaces, and their Associated Environments should be prevented, resolved, and managed in a proactive and participatory manner, without favoring any particular party in the conflict, and with their conservation, conservation, protection, and proper management as the primary concern. Moreover, Article 13 references the ff.:

[13] Government of the Republic of the Philippines (GRP), "Republic Act No. 8371", *Official Gazette of the Republic of the Philippines*, 1997. Available at: https://www.officialgazette.gov.ph/1997/10/29/republic-act-no- 8371/ [Accessed November 11, 2020].

RA 8371, RA 10066, RA 386, and the Code of Muslim Personal Laws (PD 1083), The Getty Conservation Institute's Consensus Building, Negotiation, and Conflict Resolution for Heritage Place Management, and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols. The heritage conservation practitioners and stakeholders who participated in drafting the document states that this is a first attempt and the aim is not to create a perfect charter.[14]

Philippine Development Plan (PDP) 2017 – 2022 includes the strategy on 'safeguarding and enshrining our cultural heritage' in Chapter 7. Promoting Philippine Culture and Values. Assessment and Challenges on Chapter 7 further emphasizes climate change that intensifies natural events and disasters and human – induced risks to the environment such as conflict between property rights of private individuals or entities and the cultural rights of indigenous peoples over their ancestral domain require mechanisms to mitigate their impact on communities, tangible heritage, and biodiversity.[15]

National Security Strategy (NSS): Security and Development for Transformational Change and Well – Being of the Filipino People, Office of the Republic of the Philippines, 2018 established 12 – point National Security Goals wherein two of which concerns the importance of Cultural Heritage and its subjectivity to threats namely 'Heighten Consciousness and Pride on Filipino Heritage, Culture, and Values' and 'Promote Human and Ecological Security'.[16]

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[14] National Commission for Culture and the Arts (NCCA), *Philippine Heritage Charter (PHC) for Heritage Sites and Spaces, and Their Associated Environments*, International Council on Monuments and Sites (ICOMOS) Philippines, 2016.

[15] National Economic and Development Authority (NEDA), *Philippine Development Plan (PDP) 2017–2022*. National Economic and Development Authority (NEDA), 2017. Available at: http://pdp.neda.gov.ph/wp- content/uploads/2017/01/07-04-07-2017.pdf [Accessed November 11, 2020].

[16] Government of the Republic of the Philippines (GRP), 2018. National Security Strategy (NSS), "Security and Development for Transformational Change and Well – Being of the Filipino People", *Official Gazette of the Republic of the Philippines*. Available at: https://www.official gazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf [Accessed November 11, 2020].

Analysis and Discussion

The Philippines is home to six (6) UNESCO World Heritage Sites and have 19 sites on its Tentative List intended to be considered for nomination.[17] The country also has a total of four (4) intangible cultural heritage elements inscribed in the UNESCO Representative List of the Intangible Cultural Heritage of Humanity and 16 proposed/ongoing nominations.[18] With the increasing number of both tangible and intangible cultural heritages, the Philippines likewise is further complicated by several decades of internal unrest brought by threats of human and the natural environment. In addition to the armed conflicts in the southern region and the current demolition conflicts felt throughout the nation, it is important to remember that the country is located along a typhoon belt and the so-called Ring of Fire, a vast Pacific Ocean region where 90% of the earth's earthquake and volcanic eruptions occur,[19] and an average of 22 typhoons every year[20] that subsequently bring flooding and landslides in the archipelagic country. Climate Change further intensify these natural events and disasters likewise gives the Philippines further criticism for not always being prepared to face these recurring threats.[21]

Threats from Human – Induced Conflicts to Cultural Heritage

The conflict in the southern region of the Philippines, Mindanao, by the Bangsamoro rebellion demands over the long history of Moro Islamic

17 World Heritage Centre (WHC), *Philippines - Properties inscribed on the World Heritage List*, United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre (WHC), 2017. Available at: https://whc.unesco.org/en/statesparties/ph [Accessed November 12, 2020].

18 Intangible Cultural Heritage (ICH), *Philippines - Elements on the Lists of Intangible Cultural Heritage*, United Nations Educational, Scientific and Cultural Organization (UNESCO) Intangible Cultural Heritage (ICH), 2020. Available at: https://ich.unesco.org/en/state/philippines-PH?info=elements-on-the-lists [Accessed November 12, 2020].

19 Inquirer.net – *Agence France-Presse*, 2013. The deadliest natural disasters in the Philippines. *Inquirer.net*. Available at: https://newsinfo.inquirer.net/507589/the-deadliest-natural-disasters-in-the-philippines [Accessed November 12, 2020].

20 See above footnote 17.

21 British Broadcasting Corporation (BBC) News, "Global collaboration fights cultural destruction", *British Broadcasting Corporation (BBC) News*, 2015. Available at: https://www.bbc.com/news/magazine-32526030 [Accessed November 12, 2020].

Liberation Front (MILF) continuing struggle on the creation of a separate state or autonomous region for their people, is one of Southeast Asia's longest armed conflicts. This is reflected of the Moro people's desire for a territory where they can conserve their identity and culture, as well as exercise religious freedom.[22] The region's conflict, expressed in Muslim armed resistance against the Philippine state, has deep historical roots and resolution has been uneasy. It has taken thousands of lives, destroyed billions worth of properties,[23] and displaced a magnitude of people noticeably indigenous population in some critical areas[24] who sought refuge in other regions of the country as well as in neighboring countries.[25] Conflict resolution scholar William Zartman explains "that internal conflicts are harder to solve than international conflicts because of the absence of a level playing field for parties to dialogue". Albeit, scholars of Philippine Muslim politics had a strong consensus that the only practical and just solution to the ethnic problem in the region is to grant the Muslim insurgents exclusive right to their lands based on the principles of self-determination and cultural separatism,[26] the GRP's upper hand vis-à-vis with Moros plays a major factor in the continuing the quest for conflict resolution through utilizing

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[22] F. Adriano; T. Parks, "The Contested Corners of Asia: Subnational Conflict and International Development Assistance. The Case of Mindanao, Philippines", *The Asia Foundation*, 2013. Available at: https://asiafoundation.org/resources/pdfs/MindanaoCaseStudyFullReport.pdf [Accessed November 13, 2020].

[23] R. Cabato, "Trying to save the stories of a Philippine culture, one scan at a time", *The Washington Post*, 2019. Available at: https://www.washingtonpost.com/world/asia_pacific/trying-to-save-the-stories-of-a-philippine-culture-one-scan-at-a-time/2019/07/06/296595cc-86c0-11e9-9d73-e2ba6bbf1b9b_story.html [Accessed November 16, 2020].

[24] International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region (IRCI), *Multi– Disciplinary study on Intangible Cultural Heritage's Contribution to Sustainable Development focusing on Education: A Guide for Facilitators and Local Coordinators for a School of Living Traditions on the Buklog Thanksgiving Ritual of the Subanen*, International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region (IRCI), 2020. Available at: https://www.irci.jp/wp_files/wp-content/uploads/2020/03/Revised- The-Philippines-1.pdf [Accessed November 16, 2020].

[25] R.G. Buendia, "The state-Moro armed conflict in the Philippines Unresolved national question or question of governance?", *Taylor & Francis*, 2008. Available at: https://www.tandfonline.com/doi/abs/ 10.1080/02185370508434252 [Accessed November 13, 2020]

[26] P.A. Tacujan, "Ethnic Conflicts and the Muslim Question in Philippine Politics: Why Current Efforts at Conflict-Resolution Fail", *Small Wars Journal*, 2013. Available at: https://smallwarsjournal.com/jrnl/art/ethnic- conflicts-and-the-muslim-question-in-philippine-politics [Accessed November 13, 2020]

relevantly the local laws for valuing shared heritage.[27] "The 1987 Philippine Constitution itself lends legitimacy to claims of separateness by cultural groups. Article II, Section 22 recognizes the importance of conserving cultural groups: "the state recognizes and promotes the rights of indigenous cultural communities within the frame-work of national unity and development." The Constitution further includes a provision on the creation of autonomous regional governments for geographical areas sharing common and distinctive historical and cultural heritage (Article X, Sections 15-21) (Tacujan, 2013).

The prolongation of the separatist movement is a deeply rooted problem with strong historical underpinnings that can be traced as far back as the colonial era. The persistence of the conflict to present gives a strong indication of threat to the national security of GRP unless appropriate and acceptable solutions coordinated with various stakeholders for peace and development are given utmost importance.[28] One (1) of the major causes is the low degree of political autonomy which would enable Muslims to protect, safeguard, and defend their culture, identity, language, ways of life, and religion.[29] It is important to identify up to what extent the 1987 Philippine Constitution distinguishes and promotes the rights of indigenous cultural communities through the RA10066, RA9851, and RA8371 other than their definition and mere recognition, this is to avoid occurrences before the conflict may arise rather than after in which the applicable penalties and punishable acts will be imposed.

As opposed to armed conflicts which is directly rooted to cultural injustices, demolition conflicts on the other hand in most urban areas in northern region, Luzon results from 'a disregard for heritage, the cult of modernity, strong pressure groups formed by big business, and others.'

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[27] E. Dictaan-Bang-oa, "Beyond the Silencing of the Guns: The Question of Peace in Mindanao, Southern Philippines", *El Consorcio Madre de Dios (CMDD)*, 2004. Available at: http://mddconsortium.org/wp-content/uploads/2014/11/Roy-2004-Chapter-8-Gold-Mining-and-Indigenous-conflict-Amarakaeri-in-Madre- de-Dios.pdf#page=177 [Accessed November 13, 2020].

[28] J.A. Kamlian, "Ethnic and Religious Conflict in Southern Philippines: A Discourse on Self-Determination, Political Autonomy and Conflict Resolution", *MindanaoSj*, 2003. Available at: http://mindanaosj.org/wp-content/uploads/2014/05/Ethnic-and-Religious-Conflict-in-Southern-Philippines- by-Jamail-Kamlian.pdf [Accessed November 16, 2020]

[29] See above footnote 25.

Demolition is the complete elimination of all parts of a building at a specific location and time – typically it is the end of life for the building.[30] The prevalence of this threat is due to bad governance on heritage conservation,[31] land speculation,[32] and lack of awareness on the cultural significance of these structures to modern day society.

Numerous demolitions from works of National Artists, declared National Historical Landmarks, parts of UNESCO World Heritage Site, and structures at least 50 years old as per RA10066 happened in the past five (5) years[33]: "Old Manila Railways Co. (MRC) Caloocan Train Station (2019), Philippines Free Press bldg. (2019), Aleonar Heritage house (2018), Spanish-era cemetery of Balaoan (2018), Capitol Theater (2017), Hospicio de San José accessoria (2017), Mandarin Oriental Hotel, Carlos Palanca Mansion (2016), PNB Office (2016) etc." (San Jose, 2019).

Recently pre-War Art Deco Uy Su Bin bldg. in Manila (2020) had been demolished,[34] Philam Life Theater (2020) is given a decision for partial conservation,[35] and the Hilario Sunico House and foundry (2020) whose fate is still uncertain because of insufficient inclusivity of the Heritage law. The latter buildings received supporting letters and petitions from Heritage Conservation Society (HCS) and ICOMOS - Philippines, but threat still lingers due to the criteria limitations of RA10066: being an 'important cultural property', 'work of a National Artist' and specifically being located

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30 N. Kohler; F. Schultmann; A.Thomsen, "Deconstruction, demolition and destruction, Building Research & Information", *Taylor & Francis*, 2011, 39:4, pp. 327-332. Available at: https://www.tandfonline.com/doi/pdf/10.1080/09613218.2011.585785 [Accessed November 16, 2020].

31 Business Mirror Editorial, "Heritage sites: On the brink of destruction?", *BusinessMirror*, 2014. Available at: https://businessmirror.com.ph/2014/10/15/heritage-sites-on-the-brink-of-destruction/ [Accessed November 16, 2020]

32 V.S. Venida, "Conflicts over Heritage: The Case of Quiapo", *Kritika Kultura*, 2002. Available at: https://journals.ateneo.edu/ojs/index.php/kk/article/view/1580 [Accessed November 16, 2020]

33 C. San Jose, "In Memoriam: Historical structures we lost over the years", *NoliSoli*, 2019. Available at: https://nolisoli.ph/61223/historical-structures-csanjose-20190418/ [Accessed November 16, 2020].

34 E.A.M. Sembrano, "Prewar Art Deco Uy Su Bin building in Manila demolished", *Inquirer.net*, 2020. Available at: https://lifestyle.inquirer.net/358858/prewar-art-deco-uy-su-bin-building-in-manila-demolished/ [Accessed November 16, 2020].

35 CNN Philippines, "Philam Life Theater to be 'partially conserved", *CNN Philippines*, 2020. Available at: https://www.cnn.ph/lifestyle/2020/10/2/Philam-Life-theater--partially-conserved-.html [Accessed November 17, 2020].

on a 'declared heritage zone'[36] in which a Sunico Kin states as 'purely an invention to justify the issuance of a clearance to demolish the house', this is in reference to the other significant buildings, such as Rizal Shrine in Calamba, church of Guiuan in Eastern Samar, and church of San Sebastian in Quiapo, which are not in a declared heritage site and not demolished.[37] In fact, Rizal Memorial Sports Complex (RMSC) shares the same status of the previous buildings, yet it was saved from demolition albeit no income is being generated from it.[38] Without considering the criteria and solely grounding the claims on the abovementioned case studies, how much history, significant events and the profile of the architect / builder, is needed to be saved from a demolition? Is the law subjective? Or does the law only cater to some but not all heritage structures. The question of inclusivity remains.

Threats from Natural Events and Disasters to Cultural Heritage

60% of the Philippine total land area is exposed to multiple hazards. The most frequent and widespread of natural hazard events from 1998 to 2015,[39] were 76% hydrological, meteorological or climatological in nature.[40] In 2013, the Philippines was struck by its deadliest quake in 23 years wherein 348,000 both indigenous and ethnic communities were displaced, 73,000 buildings and structures were damaged and more than 14,500 were totally

[36] E.A.M. Sembrano, "Losing our heritage", *Tribune*, 2020. Available at: https://tribune.net.ph/index.php/2020/09/15/losing-our-heritage/ [Accessed November 17, 2020]

[37] Manila Weekly, "Sunico Descendant Reacts to Demolition of Ancestral Building", *Manila Weekly*, 2020. Available at: https://manilaweekly.wordpress.com/2020/08/29/special-release-no-01-sunico-descendant- reacts-to-demolition-of-ancestral-building/ [Accessed November 17, 2020]

[38] A. Rola, "Rizal Memorial saved from demolition by NHCP", *Rappler*, 2017. Available at: https://www.rappler.com/sports/rizal-complex-saved-from-demolition [Accessed November 17, 2020].

[39] World Bank, *Third Disaster Risk Management Development Policy Loan with a Catastrophe Deferred-Drawdown Option (P171440)*, Early Warning System (EWS), 2019. Available at: https://ewsdata.rightsindevelopment.org/files/documents/40/WB-P171440.pdf [Accessed November 17, 2020]

[40] R. Jigyasu, "Building Resilience by Reducing Disaster Risks to Cultural Heritage", *PreventionWeb*, 2015. Available at: https://www.preventionweb.net/experts/guest/collection/44401 [Accessed November 17, 2020].

destroyed.[41] This magnitude 7.2 earthquake struck the central region, Bohol, the hardest damaging San Pedro Apostol Parish Church in Loboc, Nuestra Señora de la Luz Parish Church in Loon, including the Basílica Menor del Santo Niño in Cebu and more than ten (10) other heritage – listed churches in the region dating back to the Spanish colonial era that came at significant cultural and economic cost.[42] Succeeded by a powerful Category 5 Typhoon Haiyan[43] extending the destructions to Church of Our Lady of Immaculate Conception in Baclayon and the Guiuan Church of La Purisima Concepcion, which is identified as one of the National Cultural Treasures of the Philippines.[44] Other previous major disasters were from the early Spanish chronicles 450-year historical accounts and the 'Calamitous 1990s',[45] the volcanic eruption of Mount Pinatubo in the island of Luzon in 1991 which caused catastrophic damage to Aeta, an indigenous tribe living in the area, and the periodical landslides triggered by typhoons and earthquakes causing hazardous situations on the Ifugao Rice Terraces.[46]

The frequency and severity of typhoons and flooding are expected to increase with climate change and will be most felt in coastal and urban areas.[47] Continuous increase in both the magnitude and frequency of such

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41 B. Rodin, "Rebuilding cultural heritage after disaster", *The University of Melbourne*. 2017. Available at: https://pursuit.unimelb.edu.au/articles/rebuilding-cultural-heritage-after-disaster [Accessed November 17, 2020]

42 A. Regidor, *Gauging the risk on heritage sites*, University of the Philippines – Diliman, 2016. Available at: https://upd.edu.ph/gauging-the-risk-on-heritage-sites/?cli_action=1605611029.64 [Accessed November 17, 2020]

43 United Nations Educational, Scientific and Cultural Organization (UNESCO), *Cultural in City Reconstruction and Recovery*, World Bank, 2018. Available at: http://documents1.worldbank.org/curated/en/708271541534427317/pdf/131856-WP-REVISED-II-PUBLIC.pdf [Accessed November 17, 2020]

44 World Heritage Centre (WHC), *Heritage protection efforts underway after natural disasters in Philippines*, United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre (WHC), 2013. Available at: https://whc.unesco.org/en/news/1087 [Accessed November 17, 2020]

45 G. Bankoff, "Cultures of Disaster: Society and Natural Hazard in the Philippines", *Taylor & Francis*, 2004. Available at: https://www.researchgate.net/publication/40190921_Cultures_of_Disaster_ Society _and_ Natural_Hazard_in_the_Philippines [Accessed November 17, 2020]

46 T. Ishimura, *Survey in the Philippines on Disaster Prevention for Intangible Cultural Heritage*, Independent Administrative Institution National Institutes for Cultural Heritage, Tokyo National Research Institute for Cultural Properties, 2018. Available at: https://www.tobunken.go.jp/materials/ekatudo/249546.html [Accessed November 17, 2020]

47 See above footnote 39.

disasters had led to the evaluation of societies more in terms of their 'vulnerability', hazards may be physical phenomena but disasters occur as a result of a community's political structure, economic system and social order that expose its people to the dangers inherent in extreme seismic or climatic disturbances.[48] Moreover, lack of maintenance, very limited level of attention to heritage issues (United Nations, 2015), and the loss of traditional knowledge have increased the vulnerability of cultural heritage assets in many regions of the world.[49] The cultural heritage at stake together with the society indicates a strong inadequacy of reactive laws. RA10066 only states giving 'priority protection' during disasters however the term is not expounded, furthermore, the provision for course of actions during pre and post disasters are not specified including which agencies and/or laws should be referred to if there were any. The PHC, PDP, and NSS nevertheless do acknowledge and emphasizes the challenges of the natural events and disasters, and the harmonization of these documents with our current laws are vital for the sustainable development of our cultural heritage assets.

Other Threats to Cultural Heritage

Effects of threats discussed above negatively affects communities and livelihoods correspondingly. Denied forest access of Shamans for plants gathering in Mindanao due to armed conflicts resulted to gradual disappearance of the ceremonies and rituals conducted.[50] Flooding from torrential rains causes submersion of buildings leading to settlement of foundations, causing structural instability, and likewise floating debris can destroy small heritage objects.[51] In addition, looting and illicit trafficking of

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48 See above footnote 45

49 World Bank, *Promoting Disaster Resilient Cultural Heritage*, World Bank 2017. Available at: http://documents1.worldbank.org/curated/en/696061511882383371/pdf/121709-WP-P161985-PUBLIC- DisasterResilientCulturalHeritageKnowledgeNoteENWEB.pdf [Accessed November 19, 2020]

50 C. Johannot-Gradis, "Protecting the past for the future: How does law protect tangible and intangible cultural heritage in armed conflict?", *International Review of the Red Cross (ICRC)*, 2015. Available at: https://international-review.icrc.org/sites/default/files/irc_97_900-14.pdf [Accessed November 19, 2020]

51 See above footnote 43.

precious historical documents and artifacts by foreigners are stressed by Senator Gordon, Sr. and Senator Pimentel III in conserving Philippines identity, and complacency can be a threat towards a weak culture.[52]

Conclusion and Recommendations

The 2018 National Security Strategy (NSS) states that "the Government needs to work towards conserving and enriching our sense of national pride in our unique historical roots, culture and values systems"[53] hitherto the heritage law and related laws are outdated or does not extensively reflect the two (2) of NSS goals for the country's national security. RA10066, RA9851, and RA8371 states the existence and recognition of cultural heritage rights however provision for pre- and post-measures for the laws needs improvements instead of directly referencing and relying to international laws like the Geneva Conventions whose policies are albeit significantly sound but when taken into local setting may be executed poorly due to the lack of contextualization. In supplementary, RA10066 also needs to identify and enumerate more criteria for the Important Cultural Property (ICP) and breakdown further the existing criteria and its definitions.[54] This is in response to its impending demoted status and to avoid vagueness in actual legal execution.

The collective comprehensive agreements and administrative orders similarly between the GRP and NDFP can be useful as additional references to the heritage law. Significantly, the 2017 Philippine Development Plan (PDP) and the 2016 Philippine Heritage Charter (PHC) shall greatly contribute to the knowledge streams for the amendment of the laws. PDP values institutionalizing and intensifying heritage conservation plans and programs based on its assessment on the cultural heritage sector and challenges it is facing:

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[52] Senate of the Republic of the Philippines, 2009. Journal of the Senate, Fourteenth Congress, Second Regular Session, November 26, 2008 – March 3, 2009, Volume II, Legislative Journal Service and the Legislative Publications Service Legislation Department, Secretariat of the Senate under the supervision of Secretary Emma Lirio – Reyes.

[53] See above footnote 17.

[54] See above footnote 10.

"Heritage structures are vulnerable to the impact of climate change and human induced disasters. Efforts to prevent their destruction need to be set in place. Unfortunately, conservation materials and the skilled labor required are expensive. Moreover, among national, regional, and local governments, development and modernity are often the priority over the conservation of important cultural assets of the country." (PDP, 2017).

Furthermore, it calls for the inadequacy of the current governance framework for cultural development in addressing the above concerns. Despite the consistent recognition of the importance of culture in national development through landmark legislation, the conflicting provisions in certain laws and indistinctiveness compromise the implementation of cultural initiatives. A timely issue is the demolition conflict between property rights of private individuals and/or entities and the cultural rights of local people over their properties or ancestral domains. How can the heritage law protect ICPs if its scope of jurisdiction does not include the entities issuing the demolition permits? Moreover, violations are not penalized from heritage structures which does not have the ICP designation yet equally shares the status to that of accorded. Assessments from PDP shouldn't be taken for granted and must be considered.[55]

PHC as the pilot local heritage charter evidently states its governing principles for the protection of cultural heritage in the Philippines. It is recommended that the charter be used as a reference for the heritage law and related laws, and the creation of a detailed local operational manual must be recognized as a necessary undertaking for the IRR of RA10066.[56] The operational manual may also benefit from the 2018 Philippines Disaster Management Reference Handbook in carefully addressing the effects of both the human – induced conflicts and the natural events and disasters to cultural heritage.[57]

In conclusion, to effectively adapt and amend the laws in response to the threats, the following priority areas are essential to reduce risk for

[55] See above footnote 17.

[56] See above footnote 15.

[57] Center for Excellence in Disaster Management & Humanitarian Assistance, *reliefweb*, 2018. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Philippines_2018-0318.pdf [Accessed November 20, 2020]

Cultural Heritage: 1) Understanding conflicts and disaster risks, 2) Strengthening disaster risk governance, 3) Invest in disaster risk reduction and conflict management for resilience, and 4) Enhancing threats preparedness for effective response, and recovery and rehabilitation.[58] Finally, policies should be regularly revisited and compared to norms on the ground despite the gaps between laws on the books and practices may lead to complacency, henceforth, regular review by a relevant independent entity whether governmental or NGO will be critical in the improvement of conflict management, disaster preparedness and local government accountability.[59]

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58 United Nations Educational, Scientific and Cultural Organization (UNESCO), Outcome document in the Regional Conference on "Harmonizing Actions to Reduce Risks for Cultural Heritage in Asia and the Pacific", UNESCO Regional Office for Culture in Latin America and the Caribbean, 2015. Available at: http://www.lacult.unesco.org/docc/Final_Draft_Outcome_Doc_Penang_ENG.pdf [Accessed November 20, 2020

59 B. Franta et al., *Climate Disasters in the Philippines: A Case Study of Immediate Causes and Root Drivers from Cagayan de Oro, Mindanao and Tropical Storm Sendong/Washi*, Harvard Kennedy School, Belfer Center for Science and International Affairs, 2016. Available at: https://www.belfercenter.org/publication/climate-disasters-philippines [Accessed November 20, 2020]

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121709-WP-P161985-PUBLIC-DisasterResilientCulturalHeritageKnowledgeNoteENWEB.pdf [Accessed November 19, 2020]

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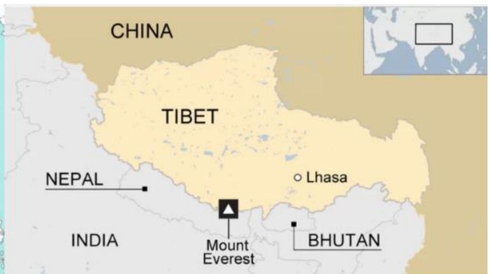
The Sinification of Tibet

DENISE NAVARRO BECERRA

Introduction

The region of Tibet is located in the northern Himalayas between Nepal and China. Throughout history, the territory has had a conflicted relationship with its surrounding political forces, particularly on cultural grounds. Tibet is characterized by a deeply rooted religious identity (namely Buddhism) being the ruler of the region the Dalai Lama, who is considered a living god and a central figure to the Buddhist faith. This blurred status between the religious and political is a key element in the dispute over the status of Tibet, which over time has been a vassal state, an independent state, and an autonomous region.[1]





Source: The Tibet Post[2] Source: BBC[3]

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[1] Elliot Sperling, *The Tibet-China Conflict: History and Polemics*, vol. 7, Washington, DC: East-West Center, 2007), p. 4.

[2] TPI Office, "Where Is Tibet Located on Map of World?", *Tibet Post International*, November 3, 2017, https://www.thetibetpost.com/en/more/topic/5790-where-is-tibet-located-on-map-of-world. Accessed January 3, 2023.

[3] "Tibet Profile", *BBC News*, BBC, April 26, 2019. https://www.bbc.com/news/world-asia-pacific-16689779. Accessed January 3, 2023.

During the 1950, China sent troops to annex the territory, followed by a period of strong cultural repression and violation of human rights, particularly during the Cultural Revolution (1960s-1970s).[4] Even though the People's Democratic Republic of China eased its control since the 1980s, policies of cultural cleansing are still held in place, namely through the state-sponsored population movements to the region by the majority Chinese ethnic group, the Chinese Han in an attempt to erase Tibetan identity.

The following document will briefly present the timeline of the conflict over the sovereignty of Tibet, as well as a discussion of the implications of the policies of the People's Republic of China in the region, which have been called by some international political figures and scholars as "cultural genocide". The central question of the analysis is the difference between "cultural genocide" and "genocide".

Historical Context

Between the 7th and 18th Centuries, Tibet underwent diverse invasions and endured periods of Chinese and Mongol rule. Throughout the different ruling dynasties and fractions that took control of the region, there were changes levels of autonomy as well as some contact with the west, namely the Portuguese missionaries as well as the British East India Company.[5] During this period, two relevant political figures were consolidated for the governing of Tibet: the Chinese-appointed commissioner, who ran the region; and the appointment of the Dalai Lama to run daily administration, under the supervision of the former. It is worth noting that the first Dalai Lama was appointed by the Mongols in 1598, and later, during Chinese control, it was the Chinese commissioner who chose the Dalai Lama.[6]

By the mid-1850s until 1912, the interest of Britain and Russia in the region provoked a closure of Tibet to foreigners. In 1906, China and Britain came to an agreement, stating that Britain would not annex or interfere in

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4 "Tibet Profile", *BBC News*. BBC, April 26, 2019. https://www.bbc.com/news/world-asia-pacific-16689779. Accessed January 3, 2023.

5 "Tibet Profile – Timeline", *BBC News*, BBC, November 13, 2014, https://www.bbc.com/news/world-asia-pacific-17046222.

6 *Ibidem*.

Tibet, followed by the recognition of China's control over Tibet by both Russia and Britain in 1907.[7] The year 1912 marked a turning point for Tibet, which became a de-facto independent state after the Tibetans expelled the weakened Chinese due to the 1911 Revolution.[8] It is also in this year that the Dalai Lama returned to Tibet, having fled in 1909 to India to escape the Chinese army, who destroyed much of Lhasa, the Tibetan capital, in 1910.[9]

The period of de-facto Tibetan independence ended as Mao Zedong's People's Republic of China took control of Tibet in 1950, and in the same year the Fourteen Dalai Lama became head of state at the age of 15.[10] The following year, the PRC imposed the "Seventeen Point Agreement on Measures for the Peaceful Liberation of Tibet" on Tibetan leaders, allowing the establishment of Chinese civil and military headquarters at Lhasa despite professing to guarantee Tibetan autonomy and respect for the Buddhist religion.[11]

In 1959, Tibetans started an uprising against the PRC, after suspicions that the Dalai Lama was to be held in a military compound and as a consequence of years of repression.[12] Initially a peaceful protest, the tensions quickly escalated, resulting in thousands of deaths and the escape of the Dalai Lama as well as thousands of Tibetans to India.[13] In 1963 foreign visitors were banned and by 1965, the PRC established the Tibetan Autonomous Region (TAR) and in 1966 the "Cultural Revolution" resulted in the destruction of 79% of Tibet's religious sites and 93% of monks having to take off their robes, according to official Chinese statistics.[14]

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7 *Ibidem*.

8 George T. Yu, "The 1911 Revolution: Past, Present, and Future", *Asian Survey*, 31, no. 10, 1991, pp. 895–904. https://doi.org/10.2307/2645062.

9 Melvyn C. Goldstein; Gelek Rimpoche, *A History of Modern Tibet*, Berkeley: University of California Press, 1989, p. 90.

10 "Tibetan Timeline," *New Internationalist*, July 5, 2017, https://newint.org/features/special/2009/03/01/tibetan-timeline.

11 Jigme Yeshe Lama, "The Seventeen Point Agreement between China and Tibet", *Origins*, May 1, 1970, https://origins.osu.edu/milestones/seventeen-point-agreement-seventy-years-china-s-occupation-tibet?languagecontententity=en.

12 "Tibetan Timeline," *New Internationalist*, July 5, 2017, https://newint.org/features/special/2009/03/01/tibetan-timeline.

13 "The Tibetan Uprising: 50 Years of Protest," *The Guardian*, Guardian News and Media, March 10, 2009, https://www.theguardian.com/world/gallery/2009/mar/09/tibet-dalailama.

14 "Tibetan Timeline," *New Internationalist*, July 5, 2017, https://newint.org/features/special/2009/03/01/tibetan-timeline.

Upon Mao's death and the end of the "Cultural Revolution", a period of easing of repression and relative religious tolerance began in the 1970s. However, it is estimated that since the occupation of Tibet in the 1950s, more than 1.2 million people have died.[15] After continued refusal of China to grant greater autonomy to Tibet, the 1980s saw economic development for the region. During this decade, the Dalai Lama won the Nobel Peace Prize and proposed a compromise with China to consider Tibet a peace zone with the plan known as "The Middle Way", where Tibet would be granted autonomy for internal affairs and China would control its foreign policy.[16] In 1988, protests broke out in Lhasa, resulting in the imposition of martial law by China. By 1993, the talks between the Dalai Lama and China had been shut down.

The Dalai Lama declared in 1995 that the six-year-old Gedhun Choekyi Nyima, was the reincarnation of the 10th Panchen Lama, who is the second most important religious figure in Tibetan Buddhism.[17] Shortly, the boy and his family were abducted and to this day, their whereabouts remain unknown, although it is presumed they are held in house arrest in Beijing. China also appointed its Panchen Lama, through the compliance of some Buddhist leaders in Tibet.[18]

The 1999 approval of a World Bank Loan for the resettlement of Chinese, largely of farmers of Han Chinese ethnicity posed a threat to the cultural survival of the local nomadic people, and worsened with the project to construct with the 2006 opening of a railroad between Golmund, in China and Lhasa.[19] Around the same time, in 2007 the Dalai Lama broke from the Buddhist tradition of choosing the Tibetan leader, calling for democratic voting instead for a government in exile.

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15 "Crushing of Tibet That Fuels Anger," *The Guardian*, Guardian News and Media, October 24, 1999, https://www.theguardian.com/uk/1999/oct/24/theobserver.uknews.

16 Yeshi Dawa, "Middle Way Approach: A Dialogue Matters", *Tibet Policy Institute*, June 11, 2021, https://tibetpolicy.net/middle-way-approach-a-dialogue-matters/, Accessed January 07, 2023.

17 Clifford Coonan, "China Appoints Panchen Lama in Tactical Move to Quell Unrest", *The Independent*, Independent Digital News and Media, March 2, 2010, https://www.independent.co.uk/news/world/asia/china-appoints-panchen-lama-in-tactical-move-to-quell-unrest-1914309.html, Accessed January 08, 2023.

18 "Is This the Face of a Man Held Captive since the Age of Six?", *BBC News*, BBC, April 27, 2019, https://www.bbc.com/news/stories-48071043, Accessed 09 January, 2023.

19 "Tibetan Timeline", *New Internationalist*, July 5, 2017, https://newint.org/features/special/2009/03/01/tibetan-timeline.

In light of the international spotlight brought on China by the 2008 Olympic Games, protests broke out in Tibet as well as in exile by Tibetan people, resulting in an estimated 150 deaths and 2,000 arrests, as per Tibetan sources.[20] Although the protest received support from the world, no real changes were produced in regards to autonomy or human rights in the region.

The year 2011 provoked shock in the world as Tibetan monks burned themselves alive in protest against the Chinese. As of today, 145 Tibetans have self-immolated[21], drawing outcry from human rights organizations for China to address the cause of these acts.[22] At present, the situation remains contentious, being a pressing issue what will happen after the death of the exiled Dalai Lama, given his contested succession, which according to tradition happens through reincarnation. China will likely appoint a supporting successor, causing tensions with the Tibetan population.

In the meantime, policies are promoted to stimulate the movement of Chinese Han to the region, posing a threat to the way of life of Tibetan nomads as well as the factual disappearance of the ethnic minority by the imposition of the majority ethnic group of China, the Han.

Key Concepts: The Figure of the Dalai Lama, the Buddhist faith, and politics

The Dalai Lama is the head monk in the Gelugpa tradition of Tibetan Buddhism, the largest and most influential in Tibet.[23] The figure has been traditionally responsible for the government of Tibet and not only a spiritual leader. However, it is important to note that there have been only fourteen Dalai Lamas, as the institution is relatively recent. The Buddhist believe that

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[20] Robert Barnett, "The Tibet Protests of Spring 2008", *China Perspectives*, no. 3 January 2009, pp. 6-23, https://doi.org/10.4000/chinaperspectives.4836, Accessed January 12, 2023.

[21] "Fact Sheet on Tibetan Self-Immolation Protests in Tibet since February 2009", Central Tibetan Administration, April 4, 2022, https://tibet.net/important-issues/factsheet-immolation-2011-2012/, Accessed January 12, 2023.

[22] "Open Letter to the President of the People's Republic of China on Self-Immolations in Tibetan Populated Areas of Sichuan Province", *Human Rights Watch*, October 28, 2020, https://www.hrw.org/news/2011/11/03/open-letter-president-peoples-republic-china-self-immolations-tibetan-populated, Accessed January 11, 2023.

[23] "The Nobel Peace Prize 1989", NobelPrize.org, accessed January 11, 2023, https://www.nobel prize.org/prizes/peace/1989/lama/biographical/, Accessed January 11, 2023.

the Dalai Lama is not chosen, but rather found- normally in Tibet- after the chosen reincarnation of the deceased preceding Dalai Lama, a process that can take years.

Politically and in the current context of the conflict between China and Tibet, this process of finding the reincarnation of the fourteenth and current Dalai Lama poses several points of dispute. Certainly, if the Chinese government is to find the reincarnation in order to appoint the next leader of Tibet, they will likely be of Chinese Han origin, which would be vastly contested by Tibetans. Additionally, given that the current Dalai Lama has lived in exile in India since the 1959 revolution, the possibility of his reincarnation to be Indian is also a matter of discussion and debate.[24] There are two more considerations in the matter: the Dalai Lama has gradually stepped back from governing Tibet,[25] and even promoted democratic elections, therefore separating the religious figure from the political leadership, despite Buddhism being central to the latter. Secondly, there is the precedent of the appointment by China of the reincarnation for the second highest ranking monk in Tibetan tradition, the Panchen Lama, who is frequently involved in political events of the Chinese Communist Party.[26] This has nearly confirmed the fears of the actions by China upon the death of the Dalai Lama, now 87.

Cultural Erasure in Tibet

The Chinese government continues to carry out policies against ethnic minorities throughout its territory, of which Tibet is not an exception. As explained by Zenz[27],

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[24] Business Standard, "Who Is Dalai Lama - about Dalai Lama, Lifestyle, Biography, Meaning, History", *Business Standard*, accessed January 14, 2023, https://www.business-standard.com/about/who-is-dalai- lama#collapse, Accessed January 14, 2023.

[25] A.Y. "So Long, Farewell", *The Economist*, The Economist Newspaper, March 14, 2011. https://www.economist.com/blogs/asiaview/2011/03/dalai_lama_resigns. Accessed January 15, 2023.

[26] "Is This the Face of a Man Held Captive since the Age of Six?", *BBC News*, BBC, April 27, 2019, https://www.bbc.com/news/stories-48071043, Accessed 09 January. 2023.

[27] Adrian Zenz, "You Can't Force People to Assimilate. So Why Is China at It Again?", *The New York Times*, The New York Times, July 16, 2019, https://www.nytimes.com/2019/07/16/opinion/china-xinjiang- repression-uighurs-minorities-backfire.html. Accessed January 18, 2023.

> "… the party's current re-education drive is an upgraded version of the Cultural Revolution. This campaign, too, seeks to achieve ideological control by eradicating alternative ideological and belief systems. Because the Chinese Communist Party cannot not try to coerce assimilation… it ultimate goal is to exercise complete ideological supremacy, and that also entails trying to transform the very identity of the country's minorities. The C.C.P. lives in perennial fear that, short of having a complete grip on Chinese society, its long-term survival is in danger."

The following list briefly summarizes the actions that have been documented by the U.S. Department of State in an official report in 2019[28]:

1. Forced disappearances.
2. Arrests.
3. Torture.
4. Physical abuse.
5. Sexual abuse.
6. Prolonged detentions without trial of individuals due to their religious practices. Former detainees reported being beaten until they lost consciousness and being shocked with electric batons.
7. Monks and nuns were forced to wear military clothing and undergo political indoctrination in detention centers.
8. Restriction of the size of Buddhist monasteries and other institutions.
9. Implementation of a campaign since 2016 to evict monks and nuns from monasteries and prohibit them from practicing elsewhere. Authorities evicted between 6,000 and 17,000 Tibetan and Han Chinese monks and nuns from Larung Gar and Yachen Gar Tibetan Buddhist Institutes.
10. Satellite imagery showed thousands of dwellings had been destroyed in Tibet since 2018.
11. Children also were restricted from many traditional religious festivals and from receiving religious education.
12. Widespread interference in religious practices, especially in Tibetan Buddhist monasteries and nunneries, including by appointing

[28] "2019 Report on International Religious Freedom - United States Department of State", U.S. Department of State (U.S. Department of State, May 10, 2021), https://www.state.gov/reports/2019-report-on-international-religious-freedom/, Accessed January 18, 2023.

government and Chinese Communist Party (CCP) personnel and government-approved monks to manage religious institutions.

13. "Sinicization" policies, which aimed to interpret religious ideas in accordance with CCP ideology and to emphasize loyalty to the CCP and the state.
14. Authorities forced monasteries to display portraits of CCP leaders and the national flag, and in some cases went door to door insisting laypersons replace images of the Dalai Lama and other lamas in their home shrines with those of CCP leaders, including Chairman Xi and Chairman Mao Zedong.
15. Travel restrictions hindered monastics and laypersons from engaging in traditional religious practices and pilgrimages.
16. Repression, including arbitrary surveillance, increased around politically sensitive events, religious anniversaries, and the Dalai Lama's birthday.
17. The government continued to force monks and nuns to undergo political training in state ideology.
18. Religious leaders and government employees were often required to denounce the Dalai Lama and express allegiance to the government-recognized Panchen Lama, Gyaltsen Norbu.

Cultural Genocide in Tibet

In 1989 Robert Badinter, the former French Minister of Justice who enacted he abolition of the death penalty in France in 1981 described China's actions in Tibet as "cultural genocide".[29] Likewise, in 2011, the Dalai Lama stated that the self-immolations of Tibetans were a result of "cultural genocide".[30]

[29] Jaspreet K. Sandhar, "Cultural Genocide in Tibet: The Failure of Article 8 of the United Nations Declaration on the Rights of Indigenous Peoples in Protecting the Cultural Rights of Tibetans", *Santander Art and Culture Law Review*, 2 2015, https://doi.org/10.4467/2450050xsnr. Accessed January 20, 2023.

[30] Yoko Kubota, "Dalai Lama Blames Tibetan Burnings on 'Cultural Genocide'", *Reuters*, Thomson Reuters, November 7, 2011, https://www.reuters.com/article/us-china-tibet-dalailama-idUSTRE7A619X20111107. Accessed 07 February, 2023.

To understand the implications of these statements, it is necessary to conceptualize "cultural genocide" and establish its differences with the crime of "genocide". "Cultural genocide" can be defined as the non-physical destruction of an ethnic group[31], whereas Article II of the The Convention on the Prevention and Punishment of the Crime of Genocide (1948) describes genocide as "…a crime committed with the intent to destroy a national, ethnic, racial or religious group, in whole or in part." It does not include political groups or so called "cultural genocide".

As per the Convention[32], genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

1. Killing members of the group.
2. Causing serious bodily or mental harm to members of the group.
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
4. Imposing measures intended to prevent births within the group.
5. Forcibly transferring children of the group to another group.

As in many other cases, the application of the term "genocide" to the actions in Tibet becomes so complex due to the fact that, as the UN states,

> "… the definition of Genocide is made up of two elements, the physical element — the acts committed; and the mental element — the intent. Intent is the most difficult element to determine. To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group. Cultural destruction does not suffice, nor does an intention to simply disperse a group, though this may constitute a crime against humanity as set out in the Rome Statute."

Remarks and Conclusion

The case of Tibet is of particular relevance for the debate of the conceptual differences between genocide and cultural genocide. The cases of self immolation are a shocking demonstration that the value of free cultural

[31] Sandhar, *op. cit.*

[32] United Nations, *The Convention on the Prevention and Punishment of the Crime of Genocide*, 1948.

expression and life itself are not hierarchical and separated as we tend to think when conceptualizing human needs for example. When relativizing the value of life versus the importance of the free expression of one's culture, it is commonly argued in western academia that no atrocity against culture is as severe as taking an individual's life. Although this might be generally agreed-upon, the case of Tibet demonstrates that such a division between accessing and expressing an individual's culture and living are not divided by a clear line, and for some peoples such as the case of Tibetan monks, their culture is not only their way of life, but life itself. One could hardly think of a more atrocious death than immolation, so the conscious choice of death by self-immolation as a protest for China's measures to wipe out Tibetan culture and ethnicity are a stark and brutal reminder that for groups with such deeply rooted cultural beliefs and expressions, life is not worth living without the free expression of one's culture and political freedom.

In the case of China's policies in Tibet, the distinction that has been proposed between cultural genocide and genocide proves ineffective. Although the intention in categorizing and dividing the concepts is to relativize the importance of human life above all else, in practice this division and categorization may be contributing in continued actions such as the ones carried out by China. It could be argued that in recent times China has not taken Tibetan lives. If by definition genocide is only applicable within international justice efforts when a state or individual takes human lives based on culture or ethnicity, then China could not be accused of genocide in the case of Tibet. However, the political actions in the region have led to the loss of life. It is in this way that the case of Tibet clearly illustrates that even the concept of killing based on ethnicity is much more complex than could be understood based on other cases of genocide. Despite the fact that China has not strictly speaking been responsible for the deaths of more than 100 monks and citizens who have self-immolated, it would be impossible to consider that these deaths are not China's doing. Although the moral debate around genocide and cultural genocide as different concepts based on an attempt to dignify human life above all else, in terms of legal international action, this poses impediments beyond philosophical and moral debates. As we can see from the atrocities in Tibet and their results, conceptual debates

may be permitting atrocities to continue and be carried out with impunity. Beyond the validity of the argument of whether impeding manifestation of a culture and mass murder are on the same moral level of wrongdoing, the practical complications of establishing these differences within the framework of international justice may lead to reconsider whether it is in the latter's fear that this differentiation should be made. The case of Tibet exemplifies that the focus on conceptual divisions may be enabling injustice and continued atrocities as well as the loss of human life without consequence. The pressing question remains: If the policies established by China in Tibet have resulted in hundreds of deaths, even if these are by an individual's choice as a result of the atrocities committed against an ethnic group, is this not "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" as established by the Convention of 1948?

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How the Yasukuni-Jinja Shrine (靖国神社)[1] participates as a *Lieux de Mémoire* to create a Dissonant Heritage and Influence the Memories of Japanese People and worsen the Relationships between Japan and its Neighbours?

MAXENCE BOUQUET



Figure 1. Yasukuni-Jinja Shrine, Tokyo, Japan.

[1] Transcription from Japanese to English is done via the Hepburn system, commonly used to transcribe Japanese writing system to the Roman alphabet.

Introduction

Yasukuni-jinja, or Yasukuni Shrine (靖国神社, Yasukuni-jinja, literally "the Shinto shrine of the appeased land", old spelling: 靖國神社) is a Shinto shrine, located in Chiyoda Ward in Tokyo, Japan. It was built in 1869 to honour the Japanese "who gave their lives in the name of the Emperor of Japan". The souls of more than two million Japanese soldiers who died from 1868 to 1951 are deified there, including the souls of 1,068 Class B war criminals tried by the various American, Soviet, Chinese, British, Australian and Dutch courts, and 14 Class.

A war criminals tried by the International Military Tribunal for the Far East after the Second World War. The shrine, originally called Tōkyō Shōkonsha (東京招魂社), was built in 1869 to commemorate the memory of the soldiers who died for the emperor in the Boshin Civil War. At that time there were only 3,500 victims of that war. Later, people who died in internal conflicts such as the clashes with the Satsuma and Saga clans were added to the shrine from 1853, when Commodore Perry's black ships arrived in Japan. In 1879, the shrine was renamed Yasukuni Shrine.

Before World War II, the shrine was a special national institution under the joint authority of the Ministries of Army, Navy, and Interior. After the war and the abolition of State Shintoism by the occupying forces, the shrine became a religious association, independent of the state, in accordance with the new principle of separation of religion and state. It is an autonomous shrine that is not part of the Japan Shinto Shrine Association. At the end of the occupation of Japan in 1952, the Ministry of Justice restored the civil rights of war criminals, and in 1953 an amendment equated them with those who died for the country. In 1956, the Ministry of Health and Welfare and the Yasukuni Shrine began discussions to include them in the shrine's register. From 1959, Class B and C war criminals were deified, resulting in a total of 984 deified criminals in 1967. In 1966, the cases of war criminals started to be examined. In October 1978, to the list of 1,068 war criminals already 'deified', several Class A war criminals convicted at the Tokyo trials as 'Shōwa martyrs' were secretly added, including Prime Minister Hideki

Tōjō or Army Chief of Staff Yoshijirō Umezu.[2] Of these fourteen convicts, seven were sentenced to death and executed.[3]

Today, the Yasukuni-jinja gathers the souls of 2,466,532 people who died for the emperors in military conflicts, including some Taiwanese or Koreans who had Japanese nationality at the time of their death following the annexation of these countries by Japan. These deaths mainly concern the Second World War (2,133,915 persons), followed by the Russo- Japanese War (191,250 persons). They were mainly military, but also included civilians and even children, as well as 57,000 women. Among the civilians were the Okinawan girls known as the Himeyuri squadron, who were enlisted as nurses and sent to the front during the Battle of Okinawa in 1945[4].

The *Yasukuni-jinja* now presents itself on its website as a place of worshipping, a Shinto shrine and also includes a museum. It considers that "the purpose of the shrine is exclusively to commemorate those who sacrificed their lives for their nation. That is 2,466,000 divinities enshrined at Yasukuni Jinja have all sacrificed their lives in the course of fulfilling their public duty to protect their motherland"[5] . One of the points of controversy is obviously the highlighting of war criminals judged for their crimes and the visit of representatives of the Japanese government, including the Prime Minister and members of the government, which does not fail to provoke reactions from Japan's neighbours, victims of its war crimes and the Japanese colonisation of part of Asia.

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2 Hideki Tōjō was Prime Minister of the Empire of Japan during the Second World War, from 1941 to 1944, and was sentenced to death by the Tokyo Tribunal. He is one of 14 Class A war criminals venerated at Yasukuni Shrine. He is considered to be one of the main perpetrators of Japanese war crimes during the Second World War.

Yoshijirō Umezu was a Japanese general in World War II and Chief of the Army General Staff during the final years of the conflict. He was convicted of war crimes and sentenced to life imprisonment.

3 The International Military Tribunal for the Far East was set up on 19 January 1946 to try the major Japanese war criminals of the Second World War at the Tokyo Trial. In this sense, it is similar to the Nuremberg Trial held in Germany to judge Nazi war criminals.

4 The Himeyuri Squadron was a group of young girls from Okinawa, most of them were high school students, and their teachers who were conscripted as nurses and sent to the front during the Battle of Okinawa in 1945. According to the Himeyuri Peace Museum, 211 students and 16 teachers were killed. https://www.himeyuri.or.jp/en/establish-2/himeyuri_tower/.

5 History | Yasukuni Jinja, n.d. https://www.yasukuni.or.jp/english/about/history.html.

Thus, we will see in this study how the *Yasukuni-jinja* temple presents all the elements of a dissonant heritage, through its meaning, its representations and its use by the political authorities, and then questioning the place of collective memory into identity and how it participates in the maintenance of conflictual relations with its neighbours, notably South Korea and China by the resurgence of a militarist mentality.

The *Yasukuni-jinja* shrine, between religion, war memorial and politics, influences memory and sense of identity

As explained in the introduction, the *Yasukuni* shrine is first and foremost a religious site in Japan. It is one of the most important places of Shintoism[6] in Japan, mixing spirituality and politics since its creation, the emperor of Japan is still today the leader of the Shinto cult. This is why it is impossible to think about the polemics linked to this Shinto shrine without addressing its religious importance, in a country whose folklore and myths are still very present in the various local or national cultural representations. Thus, the place of this shrine is also a religious one, with many visitors coming every day to pray and meditate. It is therefore impossible when dealing with this shrine not to involve its religious aspect. The Yasukuni-jinja is a temple dedicated to those "who gave their lives in the name of the Emperor of Japan", so it also serves as a war memorial. Thus, as the temple is dedicated to the soldiers who died for Japan, it has both symbolic and political importance in the Japanese society.

One of the most recent examples of this link between religion and politics (through its symbols) is the abdication of Emperor Akihito or *Heisei* (平成時代)[7], on 1 May 2019, showed the pre-eminent place of the Shinto cult into politics, through ceremonies where the emperor had to "present his

6 Shinto or Shintoism is a set of beliefs dating from the ancient history of Japan. It combines polytheistic and animistic elements. It is the oldest known religion of Japan and is particularly linked to its mythology.

7 The Heisei Era (平成時代, "era of peacemaking") began on January 8, 1989, with the start of Emperor Akihito's reign the day after the death of his father and predecessor Emperor Hirohito. It succeeded the Shōwa Era and precedes the Reiwa Era, which begins in 2019 with Akihito's abdication on 1 May 2019.

abdication to the gods and ancestors" according to the Shinto tradition before being able to formally abdicate in front of the country's political representatives. The links between religion and politics are extremely numerous and important and influence even Japanese society and its relationship to the memory of World War II. The fact that it is the most important shrine dedicated to the soldiers who died for Japan makes it very important to the political authorities. Each year, the presence of high-ranking political figures, and this despite the fact that since 1977, the emperor has refrained from visiting this place, including members of the government and the Prime Minister reinforces the controversy surrounding the place and its representation in the collective memory.

The shrine propagates a revisionist view of World War II through its museum the *Yūshūkan* (遊就 館), which displays historical objects and explanatory panels tracing Japan's military history. The war crimes of the *Shōwa* regime (covering Japan's successive wars between the 1930s and 1945) are glossed over, and Japanese expansion in Asia and the Pacific is presented as a desire to liberate Eastern peoples against Western imperialism. This vision presented by the shrine is not recent, it was already presented in the 1930s,"when Japanese militarism saw its peak, the *Yasukuni* Shrine became "the citadel of military ideology"[8]. This revisionist vision, of which the shrine is the most visible and obvious representation, is not only confined to the shrine. Indeed, the controversy goes beyond the temple and into the heart of public debate when, in 1982 and 2001, history textbooks for Japanese students downplayed Japan's war crimes committed by the Imperial Japanese Army in China[9] during the Second Sino-Japanese War (including the Nanking massacre, where between 100,000 and 300,000 Chinese civilians were killed in six weeks). What is described as a "denial of history"[10] by Taisuke Fujita and Hiroki Kusano structures part of the political opposition in Japan today.

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[8] Kazuya Fukuoka, "Memory, Nation, and National Commemoration of War Dead: A Study of Japanese Public Opinion on the Yasukuni Controversy", *Asian Politics & Policy*, Volume 5, No. 1, Wiley-Blackwell, 2013, p. 29.

[9] Fujiwara Kiichi, "Imagining the Past: Memory Wars in Japan", *Policy and Society*, Vol. 25, No. 4, Oxford University Presse, 2006, pp. 143-153.

[10] Taisuke Fujita & Hiroki Kusano, "Denial of history? Yasukuni visits as signalling", *Journal of East Asian Studies*, Vol. 20, No.2, Cambridge University Press, 2020, pp. 291–316.

Each time a Japanese political representative visits, a polemic emerges as to the symbolism of this visit, even though the separation between religion and the State is strictly mandatory in the Japanese constitution. These various controversies reached their peak during the visits of former Prime Minister Jun'ichirō Koizumi [11] , but never really stopped, due in particular to repeated visits by members of the Liberal Democrat Party[12] who consider, with the support of associations, media groups but also intellectuals and academics[13] , that the sanctuary is an important part of political and cultural life and that war crimes, without saying that they did not happen, are exaggerated. On the other hand, the civil and political opposition denounced a resolutely revisionist vision of history and contrary to the pacifist ideals of the Constitution inherited from World War II.

These controversies are still active today[14] and contribute to the creation and maintenance of a taboo in Japanese society, resulting in a minimisation of the war crimes perpetrated by the imperial army. This downplaying and unspoken message is reflected in school curricula as well as on the international scene and influences the Japanese collective memory of World War II by presenting a biased view of it. These highly symbolic visits continue to undermine relations between Japan and its neighbours.

The *Yasaukuni-jinja* shrine, a symbol of the Japanese militarism which poisons the relationships between Japan and its neighbours.

We have seen that the *Yasukuni* shrine constitutes a point of tension between identities and memories, constituting a taboo on Japanese crimes within Japanese society. A taboo that is nevertheless alive and recurring in the media and on the international scene. The half-hearted or minimised recognition continues to tense its Asian neighbours. One example is the

[11] Jun'ichirō Koizumi was Prime Minister of Japan between 2001 and 2006.

[12] The LPD is one of the most important party in Japan which led the country continuously between 1955 and 1993.

[13] Ryu Yongwook, "The Yasukuni Controversy: Divergent Perspectives from the Japanese Political Elite", *Asian Survey*, Vol. 45, No. 5, University of California Press, 2007, pp. 705-726.

[14] Sanae Takaichi, the Minister for Economic Security visited the Yasukuni-jinja Shrine in October 2022.

release of textbooks minimising the role of the imperial army in the war crimes of the Second World War or the Sino-Japanese War, Chinese and Korean uproar against Japanese "amnesia" broke out. The most important reactions come from statements or visits to the shrine by members of the government. Reactions are strongest in China, where campaigns to boycott Japanese products[15] are launched each time they visit. In 2005, after Prime Minister Koizumi's visit, Beijing cancelled the meeting between the foreign ministers of their respective countries, considering the shrine a glorification of past Japanese military aggression[16]. Despite the fact that the Japanese government kept issuing public apologies of colonialism and invasion, but the effect of such statements was neutralised by a series of statements made by Liberal Democratic Party (LDP) cabinet members and Diet members that challenged official apologies. The views of extremists were always better covered, at least in South Korea and China, than the mandarin statements crafted by Japanese bureaucrats.

Korea has the same characteristics as China in its reactions, but its history of relations with Japan is different. The Korean peninsula was a territory under Japanese colonisation for several decades (1910-1945) and throughout this period many colonial crimes were committed. The best known case is that of the "comfort women". This word is the euphemism used in Japan for the victims, often minors, of the system of mass sexual slavery organised across Asia by and for the Imperial Japanese Army and Navy, particularly during the Second World War. Most of the victims of this system were Korean women (approximatively between 140 000 – 200 000 Korean women). Thus, during visits by Japanese officials to the *Yasukuni-jinja* shrine, demonstrations are organised in South Korea, in front of the Japanese embassy and its consulates in the country. For the Korean authorities, these visits are seen as a way of euphemising Japan's crimes, despite the Japanese government's repeated public apologies, which are undermined by the successive visits. Indeed, on several occasions the

[15] Karol Zakowski, "Reaction to Popular Pressure or a Political Tool? Different Interpretations of China's Policy Regarding Koizumi's Visits to the Yasukuni", *Journal of Contemporary Eastern Asia*, Vol. 11, No.2, pp. 47-60, https://accesson.kr/jceasia/v.11/2/47/33830.

[16] Hiro Saito, *The History Problem: The Politics of War Commemoration in East Asia*, University of Hawai'i Press, 2017, https://www.jstor.org/stable/j.ctt1wn0r56.

Japanese state has publicly acknowledged its crimes. However, according to the Japanese government, the Japanese-South Korean treaty[17] of 22 June 1965, according to which Japan paid US$800 million to South Korea, settles all historical disputes related to the Japanese occupation and rejects South Korean proposals for bilateral discussions on "comfort women".

One of the other sticking points is the Japanese position on World War II. Indeed, Japan has often positioned itself, since the end of the war, as a victim of the war[18]. Many veterans' associations and politicians continue to argue that Japan is a victim of the Pacific War. The recurrent example that comes up in this argument is the atomic bombing of Hiroshima and Nagasaki by the American army in August 1945. This argument, shared by a part of public opinion, tends to diminish the Japanese exactions by concentrating the horrors of the war on those suffered by the Japanese. This position, contested by Korea and China, is also contested by the United States, which refuses to be held responsible for the global conflict, arguing that it was Japan that started the hostilities. This victim position held by the Japanese extreme right and nationalist right reinforces the feelings of its neighbours that Japan is organising and implementing a memorial 'amnesia' about its historical responsibility and invokes the work done by Germany, at the end of the war, to acknowledge its past crimes and establish healthy relations with its neighbours, who were directly involved.

As a result, the *Yasukuni-jinja* shrine, through its significance and the visits of Japanese politicians as a symbol of a forced recognition of Japanese responsibility that is tending to diminish with time, contributes to being an important point of tension between Japan and its neighbours, even though the interdependence of these three countries has continued to grow since the end of the 1970s and up to the present day. These controversies prevent Japan from gaining permanent membership of the UN Security Council as the second Asian member. While discussions for the addition of a new

[17] Peter Hays Gries, Qingmin Zhang, Yasuki Masui and Yong Wook Lee, "Historical beliefs and the perception of threat in Northeast Asia: Colonialism, the tributary system, and China-Japan-Korea relations in the twenty-first century", *International Relations of the Asia-Pacific*, Vol. 9, No. 2, Oxford University Press, 2009, pp. 245-265.

[18] Willem van Kemenade, *China and Japan: Partners or Permanent Rivals?*, Clingendael Institute, 2006, p. 44. https://www.jstor.org/stable/resrep05400.

member to this closed circle have been increasing for several years, Japan is often mentioned as the new Asian member. However, China continues to assert its opposition by condemning this "amnesia" which cannot, according to China, be compatible with the responsibilities that such a responsibility entails.

All the elements mentioned aim to explain that the *Yasukuni-jinja* shrine is the point towards which all international tensions converge and prevent Japan from establishing serene relations with its neighbours and contribute to creating bellicose reactions between the different actors in the Asia-Pacific region. However, it should not be forgotten that reactions and oppositions also exist within the Japanese population. And even today, if the interconnection of the religious, cultural, political and militaristic elements of the place prevent a unanimous condemnation, a majority of the population and public opinion remain in favour of the pacifist ideals of their Constitution. It thus continues to be at the heart of a double battle, national and international, against the background of the Japanese memorial question.

Conclusion

To conclude, it can be said that the *Yasukuni-jinja* shrine is an important element of international relations in East Asia, both in diplomatic and cultural terms, which are, in this study, intrinsically linked. The *Yasukuni-jinja* shrine is a particular element of the Japanese cultural landscape, with religious and political elements, as a war memorial, both of which may have some influence on the historical perception that this place holds for the Japanese. By presenting a decidedly revisionist view of twentieth-century Japanese history and gaining support from various politicians, academics, associations and media groups, it becomes a dissonant legacy, blurring the lines between revisionism and historical perception. As an important shrine of the Shinto cult, it becomes an important part of Japanese identity and plays an important role in the Japanese collective memory of the Second World War.

Moreover, what is condemned by China and South Korea as memorial 'amnesia' and political support for the site continues to sour diplomatic relations between Japan and its closest neighbours. Despite agreements and treaties purporting to put Japanese abuses behind them, various visits and statements by members of the Japanese government and National Diet aimed at reducing the scope of Japanese crimes and viewing Japan as a victim of World War II continue to undermine diplomatic relations.

However, the successive polemics should not hide the important debate that takes place within public opinion concerning the Japanese position on World War II. If many Japanese are in phase with this revisionist and militarist vision, of which the *Yasukuni-jinja* shrine is the most visible representative, many other Japanese do not perceive this symbol in the same way and condemn the visits whereas the emperor himself abstains from them since 1977, and are attached to the pacifist principles of the Japanese Constitution inherited from World War II. Nevertheless, in October 2022, a sitting Japanese minister visited the shrine and Prime Minister Fumio Kishida sent an offering to the shrine on the occasion of the bi-annual spring and autumn festival, demonstrating that this practice is not about to end and that the controversies surrounding the Yasukuni-jinja shrine and its role in the Japanese memory- making will continue.

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Une ministre visite le sanctuaire controversé de Yasukuni, 2022, October 17, https://www.lematin.ch/story/une-ministre-visite-le-sanctuaire-controverse-de-yasukuni- 887597270349.

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Cultural Heritage in the Case of an Act of Genocide.
Study Case: Destruction of Rohingya's Cultural Heritage

ANA URSACHI

Introduction

The identity of a community is defined by a unique set of characteristics, including language, traditions, beliefs, religion, and values. These characteristics are preserved in tangible forms such as sculptures, paintings, manuscripts, books, and traditional clothing and intangible forms such as language, rituals, music, and dance. Every community, whether a majority or minority group, has the right to preserve and transmit its cultural heritage. In times of crisis or conflict, cultural heritage could be used as a tool. The damage to cultural heritage could be a central element for starting a conflict or an additional element in a crisis. "The loss of heritage […] affects multiple generations, erasing cultural memory and severing links with the past that are integral to forging and maintaining modern identities."[1] In the context of the genocide, the destruction of cultural heritage is part of the persecutor's agenda. With the destruction of cultural heritage, a part of the group's identity is erased.

To gain a deeper understanding of how cultural heritage is used as a tool of oppression, this study will focus on the persecution of the Rohingya minority group in the Republic of the Union of Myanmar[2]. This research

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[1] Helaine Silverman; D. Fairchild Ruggles, "Cultural Heritage and Human Rights", in Helaine Silverman; D. Fairchild Ruggles (eds.), *Cultural Heritage and Human Rights*, New York: Springer, 2007, p. 5.

[2] Henceforth referred to as Myanmar. This study will use the term Myanmar, as it is the official name recognized by the UN. Nonetheless, the name Burma will be used to refer to the country before 1989.

aims to answer the following questions: How is cultural heritage used as a tool of oppression in the context of state-directed genocide? And how effective are UNESCO's conventions on the protection and safeguarding of a minority group's cultural heritage in the context of state-directed genocide? The paper will provide a concise overview of UNESCO's legal framework for the preservation of cultural heritage, examine the background of the Rohingya conflict, and analyse the deliberate utilisation of cultural heritage as a tool of oppression, study case: the destruction of Rohingya's cultural heritage.

Cultural heritage – legal framework

A significant role in shaping an international legal framework on the protection of cultural heritage has the United Nations Educational, Scientific and Cultural Organization (UNESCO). Established in 1945 as one of the United Nations agencies, UNESCO has the purpose of contributing to peace and security by promoting collaboration among the nations through education, and science.[3] To realize its purpose, the Organization "maintain, increase and diffuse knowledge by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science"[4].

On 16 November 1972, UNESCO adopted the *Convention concerning the protection of the world's cultural and natural heritage*, introducing the definition of cultural heritage, using a normative approach[5]. The *Convention* states that cultural heritage shall be considered: monuments, and groups of buildings which are of outstanding universal value from the point of view of history, art or science; as well as sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.[6] The

[3] *Constitution of the United Nations Educational, Scientific and Cultural Organization*, London: UNESCO, 1945, https://www.unesco.org/en/legal-affairs/constitution, accessed on 14.09.2024.

[4] *Ibidem*.

[5] Marilena Vecco, "A definition of cultural heritage: From the tangible to the intangible", *Journal of Cultural Heritage*, Vol. 11, Issue 3, July–September 2010, p. 322, https://doi.org/10.1016/j.culher.2010.01.006, accessed on 14.09.2024.

[6] *Convention concerning the protection of the world cultural and natural heritage*, Paris: UNESCO, 1972, p. 2, https://whc.unesco.org/archive/convention-en.pdf, accessed on 14.09.2024.

1972 Convention defines cultural heritage through tangible resources that were passed from generation to generation and have universal value. To recognize internationally and grant safeguarding to intangible cultural heritage, in 2003, UNESCO adopted *the Convention for the Safeguarding of the Intangible Cultural Heritage*. The 2003 Convention defines intangible cultural heritage as "the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage."[7] Intangible cultural heritage can only be defined as such when a community recognises it as part of its heritage.[8]

UNESCO has a significant role in setting wide-reaching policies regarding the definition and protocols for heritage management, expression, and preservation. However, the Organization is prohibited from intervening in matters that fall within the domestic jurisdiction of the Member States of the Organization.[9] Both Conventions stipulate that the member states are obligated to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural heritage. However, in the context of conflict, cultural heritage remains vulnerable, whether deliberately or unintentionally destroyed. In October 2003 during the thirty-second session of the UNESCO General Conference, in Paris, was adopted *UNESCO's Declaration Concerning the Intentional Destruction of Cultural Heritage*. The Declaration enforces once again that the primary responsibility for the intentional destruction of cultural heritage has the state. Moreover, "a State that intentionally destroys or intentionally fails to take appropriate measures to prohibit, prevent, stop, and punish any intentional destruction of the cultural heritage of great importance for humanity […] bears the responsibility for such destruction, to the extent provided for by

[7] *Convention for the Safeguarding of the Intangible Cultural Heritage*, Paris: UNESCO, 2003, https://ich.unesco.org/en/convention, accessed on 14.09.2024.

[8] UNESCO, *The 2009 UNESCO framework for cultural statistics*, Montreal: UNESCO Institute for Statistics, 2009, p. 28, https://uis.unesco.org/en/files/unesco-framework-cultural-statistics-2009-en-pdf, accessed on 14.09.2024.

[9] Myanmar is a member country of UNESCO.

international law"[10]. The Declaration does not specify the protection of the cultural heritage of a minority group in case of intentional destruction. Therefore, in the context of genocide, minority communities within nation-states are left in a paradoxical situation, "they are at odds with the agenda of the nation, they are forced to seek mediation and redress from the very entity, that is, their adversary"[11].

UNESCO recognizes the cultural heritage of each community as part of humanity's collective heritage. Although the existing conventions, recommendations and resolutions do not authorize the Organization's intervention in the internal affairs of a state. The destruction of the cultural heritage of the Rohingya ethnic minority group in Myanmar is a case that illustrates the weakness of the current legal framework in terms of safeguarding cultural heritage.

The historical background of the conflict

The Rohingya are a Muslim ethnic minority group. They live in the western region of Rakhine State of Myanmar, also known by its historic name of Arakan. According to the report "Birmanie Répression, discrimination et nettoyage ethnique en Arakan" by the International Federation for Human Rights, the Rohingya have been living in Arakan for several centuries. The first Muslim sailors settled in the region in the 8th century.[12] Moreover, researcher Ronan Lee emphasises that today Rakhine state includes the former Arakan territory for the last two millennia[13]. Over the centuries, Rohingyas lived in Arakan, developing their culture and traditions, building mosques and preserving their native language. In 2018,

[10] *Declaration Concerning the Intentional Destruction of Cultural Heritage*, Paris: UNESCO, 17 October 2003, https://international-review.icrc.org/sites/default/files/irrc_854_unesco_eng.pdf, accessed on 14.09.2024.

[11] Helaine Silverman; D. Fairchild Ruggles, "Cultural Heritage and Human Rights", p. 18.

[12] International Federation for Human Rights, "Birmanie Répression, discrimination et nettoyage ethnique en Arakan", N. 290, April 2000, p. 5, https://www.fidh.org/IMG/pdf/birmarak.pdf, accessed on 14.09.2024.

[13] Ronan Lee, *Myanmar's Rohingya Genocide. Identity, History and Hate Speech*, London: I.B. Tauris, 2021, p. 13.

one of the townships in Rakhine with a large Muslim Rohingya population Maungdaw had 836 Muslim religious buildings.[14]

In the 2004 Report "Myanmar. La minorité Rohingya: déni des droits fondamentaux", Amnesty International estimated that the Muslim population in Myanmar represents 4-5% of the total population.[15] Historically, there has been a much greater proportion of Muslims and people with Indo-Aryan heritage living to the west of the Arakan Yoma than to its east. In the eighteenth century, Arakan had a political decline, followed by the Burma invasion in 1784, Arakan had no longer been an independent territory, but a part of the Kingdom of Ava. The second important moment in the history of Myanmar was the colonial period. During the years 1885 to 1948, Burma was a British colony attached to India. In this context, being aware of potential nationalist threats, the metropole prohibited political groups, but they tolerated religious organizations. Consequently, Buddhist groups such as the *Young Men's Buddhist Association* (1906) and the *General Council of Buddhist (Burmese) Associations* (1920) incubated nationalist thought. These organizations created popular slogans that linked religion and ethnic identity, such as "being Burmese is being Buddhist".[16] These policies contributed to the formation of Burmese nationalism, strongly linked to religion that will dominate the political discourses of the modern state of Myanmar.

On 4 January 1948, Burma gained independence from the United Kingdom. Burma inherited a fragile institutional system, notably the army, the police, the administration and the judiciary. A further significant colonial heritage was Burmese ethnic nationalism[17] which served as a pillar in forming the identity of the new state, and exclusion of the ethnic minority group, Rohingya, as legitimate citizens of the new state. In 1962, through a

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[14] Moe Myint, "Ninety Percent of Rohingya Population Ejected from Rakhine", *irrawaddy.com*, 23 February 2018, https://www.irrawaddy.com/specials/ninety-percent-rohingya-population-ejected-rakhine.html, accessed on 14.09.2024.

[15] Amnesty International, "Myanmar. La minorité Rohingya: déni des droits fondamentaux", *amnesty.org*, May 2004, p. 6, https://www.amnesty.org/fr/wp-content/uploads/sites/8/2021/06/asa160052004fr.pdf, accessed on 14.09.2024.

[16] ***, "Buddhism Case Study – Violence & Peace", *Harvard.edu*, 2018, https://rpl.hds.harvard.edu/religion-context/country-profiles/myanmar/colonial-era-1885-1948-0, accessed on 14.09.2024.

[17] Thant Myint-U, *The making of modern Burma*, Cambridge: Cambridge University Press, 2004, p. 254.

coup d'état, the Burma military, also known as the *Tatmadaw*, took over the government.[18] There is a symbiosis between political power and religious life in *Theravada* Buddhist societies which contributes to renewed activism between the Buddhist *sangha* and Tatmadaw. Thus, thousands of monks participate in anti-Muslim demonstrations, increasing interreligious tensions in the region. These elements of the Buddhist community are also employed to justify the violence, using Buddhist theology, and claiming that violence is acceptable if it is done in defence of the religion.[19]

The ethnic minority Rohingya lost their citizenship under the 1982 Citizenship Act. The state authorities have classified the Rohingyas as illegal immigrants from Bengal.[20]. The 1982 Citizenship Act emphasised the deliberate separation of the Rohingya from the rest of the population by the state authorities, as they are different in terms of ethnicity and religion. The Rohingya conflict implies the presence at least of two factors, namely the ethnicity and the Islamic religion of this population. Rohingyas are called by state authorities Rakhine Muslims, emphasizing their religious identity, either Bengalis, indicating that they are temporary migrants from Bangladesh, nevertheless, the incontestable fact that many have lived in Rakhine for centuries. Through narratives such as "being Burmese is being Buddhist", and "the Rohingyas are illegal immigrants from Bengal, which endangers the national identity", the Buddhist *sangha* and Tatmadaw dehumanise Rohingya, and deliberately commit genocide, understood as an action for the well-being of the nation.

Rohingya's persecution. Focus on cultural heritage destruction

As a value of a group, cultural heritage could be utilized as a tool during the conflict. Dissonant heritage or the destruction of a cultural site led to waves of violence between different groups all over the country. As well,

[18] Juan-Pablo Pérez-León-Acevedo; Thiago Alves Pinto, "Disentangling Law and Religion in the Rohingya Case at the International Criminal Court", *Nordic Journal of Human Rights*, 39:4, 2021, pp. 460-461, doi: 10.1080/18918131.2021.1997502, accessed on 14.09.2024.

[19] Matthew J. Walton; Susan Hayward, *Contesting Buddhist Narratives: Democratization, Nationalism, and Communal Violence in Myanmar*, Honolulu: East-West Center, 2014, p. 22.

[20] Moshe Yegar, *Between Integration and Secession*, Lanham: Lexington Books, 2002, p. 62.

heritage sites could be part of the strategic showcase of war. In other cases, systematic destruction of cultural heritage, as described by Polish-Jewish lawyer, Raphael Lemkin, as "acts of vandalism"[21], or attacks on cultural property with an intent to annihilate religious or identity diversity, could be an element of genocide. Moreover, intangible cultural heritage is primarily transmitted within families through daily rituals and practices at home, while the community shares it through celebrations, legends, and common teachings, expressing a community's unique way of life. In the setting of a genocide, along with the destruction of the group, intangible cultural heritage as a living cultural heritage is destroyed.

Mass atrocities committed against the Rohingya by the state army began in the 1960s and 1970s. In 1978, Tatmadaw launched the first military repression operation, the Naga Min operation, also known as the King Dragon Operation. The state army aimed to "examine every individual within the state as a citizen or so-called "illegal immigrant". This led to widespread rape, arbitrary arrests, *desecration of mosques*, *destruction of villages and confiscation of land among the Rohingya*". Three years later, in 1991 a second operation, named Clean and Beautiful Nation, with the same purpose was launched.[22] Both operations led to massive displacements of Rohingya to neighbouring states, such as Bangladesh.

Violence targeting the Rohingya resumed in 2012. Violent riots erupted between the Buddhists and Rohingya Muslims in Rakhine. This led to a new wave of refugees in neighbouring states. The persecution of Rohingya in 2012, involved the destruction of entire Muslim neighbourhoods of Sittwe, and the ransacking of the historic Jama Mosque.[23], a tangible cultural heritage of Rohingyas. The location of the Jama Mosque close to the Rakhine State Parliament and other official buildings, such as the Rakhine State Museum, made it a key and symbolic representation of the long-term and

[21] Anson Rabinbach, "Raphael Lemkin et le concept de génocide", *Revue d'Histoire de la Shoah*, Vol. 189, N. 2, 2008, pp. 527-528, doi : 10.3917/rhsho.189.0511, accessed on 14.09.2024.

[22] Akbar Ahmed, "The Rohingya: Myanmar's outcasts", *aljazeera.com*, 30 January 2012, https://www.aljazeera.com/opinions/2012/1/30/the-rohingya-myanmars-outcasts, accessed on 14.09.2024.

[23] Ronan Lee and José Antonio González Zarandona, "Heritage destruction in Myanmar's Rakhine state: legal and illegal iconoclasm", *International Journal of Heritage Studies*, 26:5, 2020, p. 529, DOI: 10.1080/13527258.2019.1666294, accessed on 14.09.2024.

legitimate presence of Rohingya in the Rakhine state.[24] The presence of the tangible cultural heritage of Rohingyas in Rakhine directly contradicts the narratives, such as Rohingya are illegal immigrants from Bangladesh, which emerged in the XX century. During the 2012 clashes, many other places for religious worship and community gatherings for generations were targeted.

The next refugee exodus will take place in 2015, followed by the mass exodus of Rohingya in 2017, when violence broke out in Rakhine State. Myanmar's security forces attacked the entire Rohingya population of northern Rakhine State.[25] This military operation, carried out by the Myanmar authorities, involved judicial executions, arbitrary arrests, sexual violence and *the razing of hundreds of villages*.[26] More than 723,000 people sought refuge in Bangladesh.[27] In September 2018 report UN's Independent International Fact-Finding Mission on Myanmar, in the "Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar" concludes that the factors allowing for the deduction of genocidal intent are present.[28] In the context of these deliberate and organized attacks, Rohingya cultural heritage has been another target. At least 20 mosques have been demolished from the end of 2017 until February 2018.[29] Moreover, the Independent International Fact-Finding Mission on Myanmar concluded the existence of "*the attacks on protected people and property, destruction of villages, pillaging of objects* […]".[30] While Rohingya cultural heritage is targeted for destruction, the Myanmar junta promoted Buddhist heritage conservation

[24] *Ibidem*, p. 528.

[25] Amnesty International, ""We will destroy everything". Military responsibility for crimes against humanity in Rakhine state, Myanmar", 2018, p. 8, https://www.amnesty.org/en/documents/asa16/8630/2018/en/, accessed on 14.09.2024.

[26] Ronan Lee and José Antonio González Zarandona, *op. cit.*, p. 530.

[27] UNHCR, "Urgence Rohingya", *unhcr.org*, mai 2023, https://www.unhcr.org/fr/urgences/urgence-rohingya, accessed on 15.09.2024.

[28] *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, (A/HRC/39/CRP.2), Human Rights Council (Independent International Fact-Finding Mission on Myanmar), 17 September 2018, p. 366, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/277/04/PDF/G1827704.pdf?OpenElement, accessed on 15.09.2024.

[29] Moe Myint, "Ninety Percent of Rohingya Population Ejected from Rakhine", *irrawaddy.com*, 23 February 2018, https://www.irrawaddy.com/specials/ninety-percent-rohingya-population-ejected-rakhine.html, accessed on 15.09.2024.

[30] Human Rights Council (Independent International Fact-Finding Mission on Myanmar), *op. cit.*, p. 384.

projects, in particular the conservation of religious monuments.[31] UNESCO has not engaged in intervention efforts to protect the cultural heritage of the Rohingya minority group.

Language is one of the living cultural heritages that defines a group of people from others. In the destruction of the cultural heritage of the Rohingyas, in addition to Muslim religious places, language was the next target. William S. Logan in Helaine Silverman, D. Fairchild Ruggles (eds.), *Cultural Heritage and Human Rights* book explains that the Rohingya language is an eastern Indo-Aryan language. It is believed to have historical roots in Arakan. *Anandachandra*, the earliest stone inscription discovered in Arakan and dating back to the 8th century contains terms that are like what Rohingya speak today.[32] The Rohingya language represents an extremely small linguistic minority in Myanmar, where the Burmese language has an estimated 36 million native speakers.[33] In Myanmar's public schools, the Rohingya language is excluded, and classes are taught in the Rakhine or Burmese languages. Furthermore, the teaching of the Rohingya language, history, and culture is banned.[34] These language policies lead to the Rohingya language's extinction.

Conclusion

The fragility of cultural heritage is undeniable. In the setting of an armed conflict, as is the genocide of Rohingya in Myanmar, cultural heritage, whether tangible, mosques or intangible, language, is used by the prosecutor as the instrument of destroying the minority group's identity. The

[31] William S. Logan, "Chapter 2. Closing Pandora's Box: Human Rights Conundrums in Cultural Heritage Protection", in Helaine Silverman; D. Fairchild Ruggles (eds.), *Cultural Heritage and Human Rights*, New York: Springer, 2007, p. 41.

[32] The Rohingya Language Preservation Project, "First they targeted our culture and language", 2022, p. 19, https://static1.squarespace.com/static/60bf6286f8727b345cf75b1b/t/6371eec6f9e44173e6fb96b7/1668415615840/First-They-Targeted-Our-Culture-and-Language-RLPP-Report.pdf, accessed on 15.09.2024.

[33] Lindsey N. Kingston and Aroline E. Seibert Hanson, "Marginalized and Misunderstood: How Anti-Rohingya Language Policies Fuel Genocide" in Human Rights Review, Volume 23, 21 March 2022, p. 295, https://doi.org/10.1007/s12142-022-00654-4, accessed on 15.09.2024.

[34] *Ibidem*, p. 290.

vulnerability of the cultural heritage of a minority group increases significantly in the context of state-facilitated genocide as the present legal framework entitles the state to protect cultural heritage. Rohingya's cultural heritage is gradually being destroyed by targeted attacks and policies, and the current international legal framework does not confer to the minority group any instrument that could support them in safeguarding their cultural heritage.

Despite UNESCO's efforts to create an international legal framework concerning the protection and safeguarding of cultural heritage, the conventions adopted do not authorize UNESCO's intervention in the protection of cultural heritage in specific contexts, especially when the state cannot fulfil its responsibility to protect the minority group's cultural heritage, and deliberately destroys it. The persecution of the Rohingya and the destruction of their cultural heritage is an instance that demands international decision-making organizations to adopt instruments that will allow intervention in internal affairs to protect the cultural heritage of an ethnic group. Otherwise, how can an ethnic minority preserve its cultural heritage if it is intentionally destroyed by central political power?

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Caught in Conflict: The Plight of Lumads for Ancestral Lands and Cultural Identity

ANA GEORGIA SAGUM

We have been part of the land
from the very beginning
We were here before
any foreigner came
(Ambahan, the Mangyan people's indigenous poetry)

We, natives, do not normally operate on profit, the way settlers do. We follow a different way of life.
(Datu Tulalang, Bagobo elder, in Duhaylungsod, 1993)

For us, land is life.
(Dulphing Ogan, Lumad leader, from UN Environment Program)

Introduction

The Philippines is home to a diversity of cultures and indigenous communities having 110 ethnolinguistic groups. These ethnic communities carry with them long-standing practices, traditional knowledge, and cultural expressions that survived and resisted the colonial history of the Philippines. They have historically subsisted through their harmonious relationship with their ancestral domains that are plush with natural resources. However, these rich lands have been a constant target of aggression and land grabbing which has plagued the communities for decades. These conflicts that generate cultural destruction and identity crisis will be examined through the lens of the Lumad people. This study attempts to trace the key conflict actors in the Lumads' struggle for cultural identity and self-determination as

they are continuously torn to pieces by structural discrimination and terror. Caught in the middle of armed conflicts, religious clashes, and multinational capitalists' exploitations, the Lumads' identity is on the brink of annihilation and chaos. The Lumad's plight is a palpable case of systematic and institutionalized oppression against indigenous peoples advancing economic and political agenda.

From an archipelago with more than 7107 islands, the Philippines is home to a diversity of cultures and indigenous communities. According to United Nations Development Program Philippines, the country has an estimated indigenous people (IPs) population of 14-17 million and belonging to 110 ethnolinguistic groups which are dispersed in the three main islands of the archipelago: Luzon situated in the north, Visayas a group of islands in the middle, and Mindanao in the south. The indigenous groups cover 10% - 20% of the country's total population. These groups are continuing to live their self-sufficient, traditional, pre-colonial culture, livelihood practices, and social and kinship institutions. Most ethnic groups live in forest ecosystems such as mountains and valleys, while others are found in the plains and coasts.[1] This geographical isolation sometimes detaches them from basic social services, economic opportunities, and political participation. The groups have historically survived with their harmonious relationship with their ancestral domains that are plush with natural resources. These rich lands have been a constant target of capitalist corporations in the Philippines which constantly endangers the life of the indigenous communities making them continuous victims of development aggression and land grabbing.

One of the most controversial groups in the Philippines is the indigenous peoples of Lumads of the Southern Philippines, Mindanao. The term Lumad is short for *Katawhang Lumad* which means 'born of the earth' or 'homegrown'. This indigenous community embraces eighteen ethnic groups, which form the largest grouping of indigenous peoples in the country. Among these are *Subanen, Manobo, B'laan, T'boli, Mandaya, Mansaka, Tiruray, Higaonon, Bagobo, Bukidnon, Tagkaolo, Banwaon, Dibabawon, Talaandig,*

[1] G. Fiagoy, *International Survey on Adult Education for Indigenous Peoples, Country Study: The Philippines*, UNESCO Institute of Education, 2000.

Mamanua, and Manguangan.[2] At present time, Mindanao Lumads have a total population of 2.1 million out of the total 6.5 million indigenous people nationally. They are concentrated in different provinces in *Cotabato, Tandag, Dipolog, Kidapawan, Marbel, Tagum, Cagayan de Oro, Davao, Malaybalay, Pagadian, Butuan, Surigao, Ozamis, Ipil, Digos, Mati, and Dipolog*.[3] The ethnic communities carry with them long-standing practices, traditional knowledge, and cultural expressions that survived and resisted against the colonial history of the Philippines. These can be anything from music, literature, visual and performing arts, traditional know-how skills, and many other survival practices. These art forms and survival activities are all evidently connected to their system of beliefs which shows the intimate relationship they have with the natural world. Rituals and dances are mostly related to their daily affairs and livelihood practices such as farming, fishing, or hunting. Folklore literature is generally based on the belief in the sacredness of land as divine gifts. And handicrafts are mostly created from their raw materials available in their ancestral lands. Furthermore, the Lumads respect a traditional concept of land ownership which provides a communal private property giving access to community members to make use of the land for cultivation, hunting grounds, and valuable mineral resources within the ancestral territory.[4]

The Lumads have been forced for decades to physically protect their right against militarization and corporate exploitation that try to dominate their ancestral territories. Since they inhabit areas rich in natural resources, they are always targeted by an increasing number of international and local exploiters that invest in mining, forestry, plantation, and other export sectors. As the economy developed into export-oriented and foreign-dominated, the pressure for indigenous groups intensified correspondingly.[5]

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2 J. Molintas, *The Philippine Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts,* Human Rights Documents Online, 2004, doi: 10.1163/2210 7975_hrd-0525-20190001.

3 National Commission for Culture and the Arts, A. T., *Lumad in Mindanao*, June 02, 2015. Retrieved from https://ncca.gov.ph/about-ncca-3/subcommissions/subcommission-oncultural-heritagesch/historical-research/lumad-in-mindanao/.

4 P. Lee, *Stop the Lumad Killings: Indigenous Environmental Network*, December 04, 2020. Retrieved from https://www.ienearth.org/stop-the-lumad-killings/#:~:text=TheLumadareindigenouspeople, assembly on June 26, 1986.

5 Molintas, *op. cit.*

In 2020, at least three mining tenements, covering 17000 hectares in Pantaron mountain range, the Lumad domains, were approved by the government.[6] Hitherto, they are incapable to fight the armed forces from the government or private militias, and they were forcibly removed from their lands as a result of the growing resistance to infrastructure projects.

This study attempts to trace the key conflict actors in the Lumad struggles for cultural identity and self-determination as they are continuously torn to pieces by economic and social wars. It aims to highlight how the Lumads are systematically marginalized to push forward economic and political agendas. Caught in the middle of armed conflicts, religious clashes, and multinational capitalists' exploitations, the Lumads' identity is on the brink of destruction and chaos. The attacks on the Lumad people are rooted in their ancestral lands; depriving them of their land and source of survival means slowly destroying their identity and legacy as an indigenous community.

In a post-colonial society like the Philippines, where there is a high inclination to ethnic or cultural inferiority, recognition of the Lumad's culture that withstood the various colonial periods and their current struggle, are very important to strengthen the valuation of their identity. The problematic layer of negotiating identities, correspondingly fuelled by globalization, which creates the dominant and mainstream Filipino culture, further generates the divide in the appreciation of its rich ethnic cultural diversity and further marginalize *other communities*. To add to the layer of crisis is the fact that indigenous peoples of the Philippines are one of the poorest and discriminated group of the society. Like many other indigenous groups, they are often subject to marginalization either from political or economic agenda.[7] It is in this regard that protection and promotion of Lumads' living cultural heritage and the protection of their ancestral domains are deemed crucial in the context of Philippine indigenous communities.

[6] UNHCR, The UN Refugee Agency, *Mindanao Displacement Dashboard* (Rep. No. 76), 2020.

[7] Asian Development Bank, *Indigenous Peoples/Ethnic Minorities and Poverty Reduction Philippines*, Manila, Philippines: Asian Development Bank, 2002.

Mindanao in Context

Mindanao Islands is home to a majority of Christian settler groups, Moro Muslims tribes, and Lumad indigenous tribes. The heterogeneity of the population was dubbed as the 'tri-people'. Neuman thoroughly reiterates the relation of the tri-people before the conflict arose as,

> "marked by mutual respect. Conceptually, it constitutes a new, all-encompassing layer of identity that is inclusive and recognizes religious differences, and at the same time, excludes all those intolerant and violent, making them the new counter-identity…. It does not do away with the strong ties to one's religious and ethnic group, but it serves, in most cases, as a remembrance to the joint struggle to overcome war. Such an integrative community focus was important to make use of traditional mechanisms of conflict resolution, such as restorative justice, which are based on the strong need to re-create harmony within one's community and restore broken relationships. Re-defining the community as consisting of all tribes allowed traditional procedures to work again in multiethnic settings and enabled local elders and decision-makers to deal with conflicts in line with local hierarchies and traditions".[8]

To better understand the context of the Lumad struggle, it is essential to highlight the general context of Mindanao and the long-standing armed conflict that is taking place in the region, which can be traced back from the Spanish colonial era, making it one of the longest-standing conflicts in the world. The colonial era was successful in converting most of the northern part of the country into Christianity, yet it was not the case in Mindanao who maintained their religious and pagan practices. The Muslims on the Mindanao islands were classified as 'Moros' and were considered lower class citizens compared to Christians.[9] Throughout history, the Mindanao region has endured animosity between communities due to the resistance of Christianity in the Islam part of the country since the 15th century.[10] Violence erupted in the 1970s with the establishment of numerous armed groups such

8 H. Neumann, "Identity building and democracy in the Philippines: national failure and local responses in Mindanao", *Journal of Southeast Asian Affairs*, 2010, 29, 3, pp. 61-90. [Online]. Retrieved from: www.currentsoutheastasianaffairs.org.

9 G.S. Oskarsson, *Internally Displaced Peoples: Potential Spoilers for Peace?* (Unpublished doctoral dissertation, 2012), Linnaeus University, 2012.

10 C. Majul, *Muslims in the Philippines*. Diliman, Quezon City: University of the Philippines Press, 1973.

as the Communist Party of the Philippines' (CPP) military wing and the National People's Army (NPA). Decades of widespread dissatisfaction, economic marginalization, and cultural prejudices among the Muslim settlements have created an organized insurgency by the Moros and militant groups.[11] The Moros established armed groups such as the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) in declaring their protests against the Philippine government.[12] Both MNLF and MILF have been fighting for autonomy, sovereignty, and land rights, yet the NPA and CPP were dubbed as the rebel groups fighting for poverty, corruption, unemployment.[13] The government has continuously controlled the crisis in the region, yet killings of civilians and other human rights abuses were reported in the conflict. This armed conflict has left the Lumads and other indigenous groups in a vulnerable position caught in the middle of a war. The ethnic communities have always been trapped in the midmost of the crossfire of the civil conflict. Likewise, they always fall victim and regularly being accused of being related to communist armed groups.

Case in Focus: Structural Discrimination against Lumads

Killings, Red Tagging, and Martial Law

The Lumads have survived decades of exploitation and violence that were mostly supported by the government. Different presidencies have failed to protect the indigenous communities and promoted agribusiness and multinational corporations. Yet the bitter years scaled up in 2015: displacement started, harassment was reported, schools were closed – this phenomenon can be considered as ethnocide of the Lumad peoples. It is important to understand that the conflict of the Lumads is tied into complex

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[11] S. M. Candelaria, *The plight of indigenous peoples within the context of conflict mediation, peace talks and human rights in Mindanao, the Philippines*. Thesis Eleven, 2018, 145(1), 28-37. doi:10.1177/0725513618763838

[12] J. M. Perez, "Greed and grievances: A Discursive Study on the Evolution of the Lumad Struggle in Mindanao, 2010-2019", *Journal of Ethnic and Cultural Studies*, 2019, 6(3), 41. doi:10.29333/ejecs/254.

[13] Oskarsson, *op. cit.*

and multifaceted issues that are interwoven to each other delving from the armed conflicts to the capitalist exploitations.

It has always been a bloodbath for the Lumads. Though numbers vary and reports are scattered, killings and abuse have resulted in hundreds, if not thousands, of Lumad deaths, most of them were victims of extrajudicial killings perpetrated by the military, paramilitary, and private security forces.[14] According to *Global Witness*, the country has consistently recorded the highest number of killings in Asia of environmental activists who oppose illegal logging, destructive mining, or corrupt agribusiness. It has also dubbed the country as the deadliest country in the world for environmental defenders in 2018, recording at least 30 killings in the same year. And in 2019, the Philippines followed Colombia, accounting for more than half of the killed in the year with Indigenous people at the greatest risk.[15]

The most controversial incident that took international attention was the Lianga Massacre in 2015. In the early morning of September 1, 2015, students, teachers of alternative Lumad schools were rounded up along with other civilians to witness the execution at point-blank range of two indigenous leaders who are active in protecting their ancestral domains. The executive director of the Lumad alternative learning institution ALCADEV was found dead with a throat cut and two gunshots in his abdomen. ALCADEV is a Lumad indigenous school located in Surigao del Sur, Philippines. Awarded by the DepEd-LCC as the 5th Most Outstanding Literacy Program in the Philippines in 2014, it provides alternative education to the indigenous youth of the different tribes in Caraga region. The United Nations has condemned these killings and declared them unacceptable and deplorable. In November 2019, the UN Human Rights system appointed Vicky Tauli-Corpuz, an indigenous leader from the Kankana-ey Igorot people of the Cordillera Region in the Philippines and a long-time advocate for both indigenous and women's rights, as the Special Rapporteur on the rights of indigenous peoples to investigate the cases in Mindanao. It also

[14] M. Ambay, *Commentary: Stalked by Death: Indigenous Lumad killings continue in the Philippines*, December 23, 2016. Retrieved from https://www.mindanews.com/mindaviews/2016/12/commentary-stalked-by-death indigenous-lumad-killings-continue-in-the-philippines/.

[15] Global Witness, *Defending the Philippines: How broken promises are leaving land and environmental defenders at the mercy of business at all costs* (Rep.), 2019.

served as the basis for the Philippine Indigenous Peoples' submission to the UN Office of the High Commissioner on Human Rights to contribute to the UN Human Rights report on the Philippines. Yet in the administration of Rodrigo Duterte, the President of the Republic of the Philippines from 2016-2022, Corpus was declared a 'terrorist" and was vehemently red tagged. Branding environmental activists and indigenous leaders as communist rebel supporters was part of the plot and tactic of the government to silence them in their oppositions. Furthermore, the attacks have further risen since Duterte declared Martial Law in the Mindanao region in 2017 as a counterinsurgency policy to control the armed conflict that was previously discussed. Yet again, the Lumads are wedged in a conflict that unceasingly rips and devastates their way of life. The military has justified the continued presence of the army in remote communities and the martial lasted until December 2019, spanning two years.

Displacements

Martial law accentuates protection and immunity for the military to perpetrate human rights violations under the pretense of combatting terror. Duterte's government has correspondingly effectively levied its military dominance to continue the attack against the country's most vulnerable populations. Due to the increased militarization, heavy soldier presence, bomber planes flying around the community, thousands of families have been displaced and sought refuge in evacuation centers. According to UNHCR Mindanao Displacement Dashboard, a total number of 59,626 families (274,327 individuals) are currently displaced in Mindanao as of 2020.[16] The community has left their ancestral lands in the grieve threat of abuse. This goes to show that Martial law established more tension and displaced more communities in their own lands. In a span of two years, Lumad families have decided to stay in the evacuation centers and tent shelters with a lack of privacy and loss of lands for the price of their 'safety'.[17]

16 UNHCR, The UN Refugee Agency, *Mindanao Displacement Dashboard* (Rep. No. 76), 2020.

17 P. D. Inquirer, *Dispossessing the 'lumad'*, July 21, 2018. Retrieved from https://opinion.inquirer.net/114774/dispossessing-the-lumad#ixzz5Lt3hQOvD.

An indigenous leader, Datu Guinom, has expressed his painful sentiments in one of the interviews: "Our stay in Haran (evacuation center) becomes more painful and difficult with each passing day but we choose to stay."[18]

This ploy is an all-out marginalization masked as a call for security, targeting the ancestral domains, selling them to international corporations, and correspondingly destroying the lands of the community, leaving them landless and poor. It is a war against the survival of the Lumads, not against the armed groups.

School Closure and Destruction (Attack on Schools)

Schools are no exemption in the systematic marginalization of the Lumads. The Philippine army and paramilitary groups have always treated Lumad schools as a form of threat in their operation. Under Martial law, in the midst of displacement and harassment, education for children was also targeted to be abolished. The Department of Education themselves has ordered the permanent closure of schools for indigenous peoples. The order was supported by the National Security Adviser and Head of Task Force to End Local Communist Armed Conflict, Hermogenes Esperon, with a report of Lumad schools allegedly teaching 'left-leaning ideologies'. Furthermore, the finding suggests that Lumad schools deviated from the curriculum of the Department of Education, which suggests that rebellion against the government was being taught to the children.[19] As of 2019, more than 73 out of 228 Lumad schools in Mindanao have been closed according to *Save our Schools Network*. The UNHCR Refugee Network reports that more than 1000 students and educators in the indigenous community experience harassment, threats, and intimidation by the military.

In 2017, in the midst of chaos and the weakening hope for the Lumads, President Duterte threatened to bomb Lumad community schools: "I will use

[18] K. M. Cortez, *How the Lumad learned to survive in Haran*, February 12, 2020. Retrieved from http://davaotoday.com/main/culture-2/how-the-lumad-learned-to-survive-in-haran/.

[19] A. G. Viña, *Riverman's Vista: Reopen the Lumad schools!*, July 20, 2019. Retrieved from https://www.mindanews.com/mindaviews/2019/07/rivermans-vista-reopen-the-lumad schools/.

the Armed Forces, the Philippine Air Force. *Talagang bobombahan ko 'yung mga… lahat ng ano ninyo* [I will really bomb all of it]. Because you are operating illegally, and you are teaching the children to rebel against the government."

Some schools were not only shut down but were also destroyed and burned down by the army and paramilitary groups. Moreover, as the displacement is happening, the school facilities were also expanded as base camps by these government forces and groups. This is a blatant blow on the capacity-building of Lumads which creates a further barrier in their fight for their lands and resources. The government's fiasco to investigate crimes against Lumad schools and their deliberate participation in the abuse and assaults has left the communities more vulnerable to further attacks and infringements.

Lumads Caught in Conflict

The struggle of the Lumads spirals to multi-faceted issues that are strategically and carefully intertwined by exploiters, and most instances, supported by the government to advance political and economic agenda. Their plight, long as it may have been, continues to be on the background of the many problems the Philippines is confronted with. Even the outcries for international attention were not enough to sojourn the abuses and exploitations. Lumad peoples are caught in a conflict they couldn't run away from. The armed conflict that is happening in the greater Mindanao region is a battle that has kept them from peace since time immemorial. Hitherto, it has been a catalyst and an effective agency for multinationals companies and the government to pursue projects and take advantage of the indigenous lands. Deplorable and dreadful killings were always associated with the conflict between communists and liberation groups; the murdering of indigenous leaders was always out of the circumstance. Brave protestors and indigenous advocates are also continuously tagged as terrorists, making the current armed conflict a façade and an advantage for the oppressors. Furthermore, heavy militarization has infused terror in the community and has caused the displacement of the whole community. Yet another palpable

tactic to keep them away from their lands. Ultimately, one of the most brutal attacks that can inculcate massive harm to the community is the denial of education. Even the contextualize education system was viewed by the government as a threat for the marginalized people to rebel. All these put together creates deeper barriers for already poor, uneducated Lumads to fight for their homelands. This correspondingly perpetuates the perception of indigenous peoples as backward and static and constantly viewed as second class citizens. Terror, homelessness, education-less is the reality of every Lumad person, a form of ethnic genocide for the indigenous communities of the Philippines.

For indigenous communities, the essence of their identity deeply relates to their environment they are cultivating, to the way of life they are nurturing – away from capitalist development and globalization. Yet the so-called attempt and assistance of the government for what they consider 'civilization' and 'aid' has caused a bloodbath of both physical and cultural genocide. The loss of access to the most basic needs strips them down for a cycle of horror and discrimination which pushes them further away from the capacity to fight for their rights, property, and culture.

Conclusion

Ethnic conflicts tend to be multi-layered, involving political, economic, and social aspects. Lumad's struggle is a strong case of systematic and institutionalized oppression against indigenous peoples advancing economic and political agenda. The government, which is assumed to protect its people, employ disruptions of agencies to silence, oppress, and terminate the Lumads as a community, physically and culturally. The use of force and terror is evident in the innumerable killings and abuse that the Lumads have long been experiencing. Moreover, the displacement that is happening blanketed in the call for security has caused more tension and abuse than safety. Removing the Lumads from their land means removing them of their life, their survival, their being. Ultimately, leaving them with no education is a tactic used to hinder them from the little hope of building capacity to fight on their own.

Lumads' ancestral lands, livelihood, culture, and education, much like other communities, dangles at the very core of their cultural identity. Yet, as their homeland remains ravaged by political unrest, their situation caught in the armed conflict, they are forced to live their homes and seek a new life in evacuation centers, and ultimately, getting they are deprived of their right to education. It begs us to ask, what then becomes of their indigenous cultural identity the longer they are being stripped down with all the agency and resources they own? The violence and displacement call for solidarity of national scale what would establish consistent and firm public outrage to pressure government action. The plight of the indigenous groups of the Philippines is clear structural discrimination that transforms them from the already problematic perception of 'tribal' and 'primitive' to landless and poor.

The Lumads' claim to their lands is a claim of their existence, their identity, and their history. Genuine development requires an understanding of their way of life, their cultural systems, and their historical value.

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The Destruction of Uyghur Cultural Heritage in the Xinjiang Region by the People's Republic of China

LÉONIE PETITCLERC

Introduction

In recent years, the Xinjiang Uyghur Autonomous Region, in the northwest of China, has been transformed into a high-security police state. An estimated one and half million Turkic-speaking Muslim citizens have been incarcerated and subjected to oppressive regimes of indoctrination and forced labour. The People's Republic of China explains its actions as a necessary response to extremist terrorism, while some international observers and governments have designated its policies as constituting genocide, and the United Nations' Human Rights Office declared that these violations could constitute crimes against humanity. In this context, China's approach to cultural heritage in this region is fully integrated within the political and economic objectives of the state. The Uyghur religious and cultural heritage, consisting mainly of mosques, cemeteries, and shrines - sites whose essential value lies in the complexity of historical meanings, forms of community and related religious and cultural expressions - have been destroyed or emptied of their meaning. Their destruction represents a fundamental attack on Uyghur culture and identity and is part of an offensive to assimilate and pacify the region for economic and strategic objectives of the New Silk Road initiative.

This case study thus shows how the systematic destruction of Uyghur cultural heritage by the People's Republic of China was implemented as part of the national policy of assimilation in order to create a unified national narrative.

Firstly, the complex relations between the Chinese state and the Uyghur populations of its territory, and particularly of the province of Xinjiang, must be put into context. Then, it is also necessary to understand how cultural heritage is used by China in its domestic and international policies to control its territory and assert itself as a world power. Finally, the policy of destruction of cultural heritage carried out by the Chinese state against the Uyghurs is first an attack on religious heritage before being generalised to all the characteristics of Uyghur culture.

Historical Context: Relations Between Uyghur Populations and the People's Republic of China

Uyghurs are one of the 56 ethnic groups that make up the People's Republic of China, dominated by the Hans, the ethnic group that composes 92% of the population. The Uyghurs are Turkic-speaking and Muslim, and have been living in Central Asia for over a thousand years. Initially nomadic, they gradually settled in the area that is now Xinjiang and now number around 11 million living in this autonomous region under Beijing's sovereignty. They were not attached to China until the Qing Empire (the last Chinese empire, from 1644 to 1912). Xinjiang ("new frontier" in Chinese) became part of the state in 1759. This was the time when China was the largest geographically. Today, these are the borders that the Chinese Communist Party wants to maintain. Xinjiang nowadays covers 1.6 million km and represents 16% of Chinese territory.

In the aftermath of World War II, a republic of East Turkestan existed for a few years on Uyghur territory, between 1944 and 1949, with the help of the USSR. But the Soviet Union eventually abandoned the republic when the Chinese communists annexed it. At that time, the Uyghur and Kazakh population was overwhelming in the region. 98% of the population was Turkic-speaking. First, in the 1950s, the Chinese government tried to win over the local Uyghur elites to the People's Republic. As in Tibet, where the Communist Party got along with the Dalai Lama after waging war against him (Tibet was annexed in 1950 and the Dalai Lama was maintained until 1959, when he fled). In Xinjiang, efforts were made to integrate and co-opt

Uyghur elites. Land reform, which was being implemented throughout the interior of China, was delayed, and implemented much less violently than in the rest of the country. But from 1958 onwards, and especially during the Cultural Revolution (from 1966 until the death of Mao Zedong in 1976), a much harsher policy of assimilation was implemented towards minorities: Tibetans, Uyghurs, etc. For example, the Uyghurs were forced to eat pork so that they would abandon their traditional culture, just as the Tibetans were forced to eat and grow rice. With this assimilation policy, the Cultural Revolution aimed to do away with the “Four Old Things”: old ideas, old culture, old customs and old habits. This was a way of fighting against Islam but also against Christianity and Chinese religions. The study of Chinese was also developed at the expense of the Arabic alphabet. After the death of Mao Zedong in 1976, a period of appeasement began. Hu Yaobang (who was General Secretary of the Chinese Communist Party from 1980 to 1987) was put in charge of the rehabilitation of the victims of the Cultural Revolution. In 1980, he openly criticized the policy that had been led in Tibet and Xinjiang, acknowledging that the integration policy had been too harsh, that there was a need to recognize the culture of national minorities and to train local elites. From 1979 to 1995, there was a policy of openness with the emergence of new Uyghur elites (a lot of them are now dissident figures, such as Rebiya Kadeer, exiled in the United States), religious and cultural tolerance and an opening up to the outside world with authorizations to travel, study abroad or make the pilgrimage to Mecca. But in 1995, riots took place in the town of Aksu and triggered an increasingly repressive policy. The "war on terror" launched by the United States after September 11, 2001, also marked the beginning of a Chinese policy that was supposed to fight jihadism and Muslim radicalism, but that went far beyond that by attacking Uyghur culture and its inhabitants in Xinjiang.[1]

The repression against Uyghurs came on the heels of a new strongman in Beijing: Xi Jinping, general secretary of the Chinese Communist Party since 2012 and president of the People's Republic since 2013. The policy of internment and repression began in earnest in 2016 with the arrival of Chen Quanguo as secretary of the Communist Party in Xinjiang after having held

[1] Jean-Philippe Béja, « Après le 11 septembre, la chine partenaire indispensable ? », November 2001.

the same position in Tibet. In a report published in 2018, Human Rights Watch denounced a degree of repression that has increased significantly since the appointment of this new governor, who is setting up re-education camps where Kazakhs and Uyghurs are detained: more than one million people according to the NGO out of a population of about eleven million[2]. Officially, China has been fighting against Islamic terrorism and for deradicalisation since the beginning of the 2000s, but this policy has been reinforced after the attacks in Beijing in 2013 (a car bomb drove into the crowd in Tiananmen Square but the explosive did not work, killing 2 tourists), Kunming railway station in 2014 (31 dead and 143 injured killed with knives) and Urumqi the same year (a bomb killed one person and injured 79 in the Xinjiang capital on the last day of the head of state's visit). These attacks traumatized Chinese society. In response, Xi Jinping declared that he now wants to settle the "Uyghur problem" and eliminate any form of protest that would challenge the sovereignty of the Chinese state. But the authorities' harsh response goes far beyond that and also aims to eradicate Uyghur culture, which is seen as the source of a separatist desire by the Chinese leadership. At the same time, since the 1950s, Beijing has implemented a policy of internal colonisation by encouraging the settlement of Hans Chinese in Xinjiang. As a result, the Uyghurs have become a minority, representing around 40% of the population according to official statistics. This demographic shift, together with the domination of the Hans, has contributed to the poisoning of relations between the two ethnic groups and fuelled tensions. A minority of Uyghurs have turned to fundamentalism and/or separatism, but this threat is out of proportion compared to the repression led by the Chinese authorities.

To define this conflict, the word "genocide" was already being used by Uyghur activists as Chinese policy aims to demographically reduce a targeted population. This word is now also being used more widely, notably in the academic world, especially following the publication by a German anthropologist of a report on the forced sterilization of Uyghur women[3]. The

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2 Human Rights Watch report, "Break their lineage, break their roots. China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslim", April 19, 2021.

3 Adrian Zens, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang", Jamestown, June 2020.

obstruction of births is one of the five criteria retained by the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide[4]. The term "cultural genocide" has also been used by some scholars, Uyghur exiles, international NGOs and several states. While the term "genocide" is becoming more commonly used to define the ongoing conflict in Xinjiang, the other term used with greater certainty to describe the situation is "strategic cultural cleansing". Indeed, the actions led by the Chinese State demonstrably constitute what the United Nations Educational, Scientific and Cultural Organization defines as the deliberate targeting of individuals and groups on the basis of their cultural, ethnic, or religious affiliation, combined with the intentional and systematic destruction of cultural heritage.

Cultural Heritage, a Political Tool to Control Autonomous Regions and Minorities in China

When it comes to the notion of cultural heritage, the People's Republic of China has developed a distinctive heritage vision over the past decades, while at the same time making its mark on the international scene on that matter. The Chinese Communist Party's search for new values in the 1990s led to a change in ideology towards cultural heritage, which now plays a central role in Chinese society and the state. Indeed, it is used as a tool for multi-scalar purposes, included mainly territorial development, national identity building and international influence. China is now the leading country in terms of the number of sites inscribed on the UNESCO World Heritage List and is extremely active in the field of intangible cultural heritage. China ratified the World Heritage Convention in 1985. In 1987, it had six sites inscribed on the list: The Great Wall, the Imperial Palaces of the Qing and Ming Dynasties in Beijing and Shenyang, the Peking Man site in Zhoukoudian, the Mausoleum of the First Qin Emperor, the Mogao Caves and Mount Tai. These different properties, representative of Han culture, use UNESCO's criteria to highlight the focus of China's settlement in the Yellow

[4] These five criteria are: killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group, preventing births, and forcibly transferring children out of the group.

River Basin and the official vision of "Chinese space". Between 1988 and 2006, the sites inscribed on the UNESCO World Heritage List in China reveal a desire to pursue the national heritage project through the enhancement of specifically Chinese heritage elements, to the detriment of the cultures of minority nationalities. The rare sites inscribed at this time that enhance the heritage of minority nationalities are inscribed for political reasons (the Potala Palace in Lhasa in 1994) or are recuperated by the Chinese unitary rhetoric. When a property representative of the culture of one of the minority nationalities is inscribed on the UNESCO World Heritage List, it is almost systematically the object of cultural appropriation for the benefit of the Han nationality.

Since the mid-2000s, the heritage of minority nationalities has been revalued at UNESCO by the Chinese authorities. This phenomenon, to be linked to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, constitutes both a change of line and a pursuit of cultural appropriation objectives. In parallel, the Chinese authorities are proposing to UNESCO a certain number of properties located in the autonomous regions of China. These inscriptions, although they represent a real inflexion in Chinese heritage policy reveal several issues. China's peripheral regions are still largely under-represented in World Heritage, both on a national scale (1.2 sites on average per autonomous region compared to approximately 2.3 sites for all the administrative entities of provincial rank in China[5]) and in comparison, with the other entities of provincial rank, with the exception of the special administrative regions, Hong Kong and Macao, which are very poorly represented in World Heritage. These territories are also largely over-represented in natural properties (57.1% of properties inscribed on the World Heritage List against 42.9% of cultural properties[6]) compared to the general average (26.3%) and to the other administrative entities. This over-representation of natural properties shows the opportunism of the authorities in drawing on a rich pool of already established nature reserves and demonstrates the mistrust of the central

[5] Quentin Biville, « L'internationalisation du patrimoine en Chine : la poursuite d'un projet national », *Géoconfluences*, Paris, 2021.

[6] *Ibidem*.

authorities in the development of cultural properties of minority nationalities, or even the use of the category of natural properties as a tool to mask the presence or cultural specificities of these minority populations. Following the example of other countries, the naturalisation by heritage of spaces populated by people from minority nationalities allows the Chinese authorities to carry out policies of valorisation of the territory and a double policy of inclusion (through controlled development, especially tourism) and exclusion (displacement or incentives to leave) of local populations. The recent valorisation of the heritage of minority nationalities in the World Heritage List is consistent with the territorial and economic development objectives of China's peripheral provinces and their identities. At the same time, it allows for greater control of these territories and their populations, which involves the inclusion of minority nationalities in a discourse and practice of environmental protection and heritage safeguarding, constructed according to the needs and standards of the national level. Heritage policies that contribute to the achievement of these goals are carried out within the framework of integrating the heritage of minority nationalities and regional identities into a holistic vision of China's territory. This political instrumentalisation of heritage carried out at different levels, is also largely supported by the development of an important industry of domestic cultural tourism.[7]

China also invested heavily in the creation of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which the country ratified in 2004. Its implementation was immediately prioritised, and strong institutions created at the national level. It constitutes an international turning point in the protection of the heritages of minority nationalities and allows the pursuit of two objectives: China's international influence in the field of intangible heritage, an integral part of a global strategy of diplomatic and institutional soft power, and a process of prioritisation of heritages on a national scale. Indeed, the Chinese authorities use intangible cultural heritage to promote cultural elements of "excellence", whose Han and other cultural components are intended to demonstrate adherence to Chinese political unity, despite UNESCO's recommendations.

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[7] *Ibidem.*

This programme involves a differentiated treatment of Chinese cultural elements and those of minority nationalities. Han cultural heritage emphasise a scientific and technical tradition, while the minorities heritage favours the protection of customs, dances, songs and performances, with a view to developing tourism and controlling cultural expression.[8]

The destruction of Uyghur Cultural Heritage, from Religious Heritage to a Systematic Approach of Destruction

The cultural heritage of the Uyghur population is mainly based on religious elements, such as mosques, religious schools (madrasas) or shrines. These cultural assets are also central to the socio-economic life of the Uyghurs. The authority in society is represented by the mosque community composed of the most respected male elders, whose leader is the imam. This authority explains why religious heritage is at the core of the Chinese state destruction policy. Moreover, the power was all the more centralized around the mosques in the region, as they were also the sites of mass celebrations, pilgrimages, pious foundations, and thus an important economic and social power. Religious schools were also the main place for education in the Uyghur community for the longer part of the 20th century. Other religious elements are also fundamental to Uyghur society. The tombs of martyrs or saints, historical leaders, are a place of pilgrimage and gathering, central to community life. Around these shrines, Uyghur cemeteries have often developed. The religious rituals combined visits to the shrine and the cemetery at the same time. Large Uyghur religious festivals were also held around these sites, bringing together several thousand people each year before they were banned by the Chinese state. The rituals and ceremonies, as well as the songs, dances, traditional clothing and food, etc. associated with these religious elements are equally important elements of Uyghur cultural heritage. The importance of the Turkish language should also be mentioned.[9]

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8 Caroline Bodolec, "The Chinese Paper-Cut: From Local Inventories to the UNESCO Representative List of the Intangible Cultural Heritage of Humanity", in Bendix Regina F. et al. (dir.), *Heritage, Regime and the State*, Göttingen, Universitätsverlag Göttingen, 2012, pp. 249-264.

9 Rian Thum, *The Sacred Routes of Uyghur History*, Cambridge, Harvard University Press, 2014.

The Chinese government's attitude towards Uyghur cultural heritage is diverse, but the aim remains the same: the assimilation of the Uyghur population into the Han population. Thus, heritage sites are sometimes staged by the Chinese government to fit its cultural vision of Chinese society. An example of this policy is the city of Kashgar. Following a process of destruction and reconstruction of the city since the 1990s that culminated in 2013, the city was stripped of its Uyghur cultural value. While the Idgah Mosque has been preserved, the majority of the city's historical monuments have been destroyed. The same applies to the residential areas, which subsequently allowed the state to displace the local population. The old city has been redeveloped for tourism by state officials, and some of the old religious sites have even been turned into bars for tourists. This is a policy that systematically excludes the local population from places of worship.

The exploitation of Xinjiang's cultural and natural heritage by national tourism agencies also prevents access by local people, ensuring this process of exclusion. For example, discouraging access fees have been introduced at various Uyghur cultural sites, in order to favor access for tourists over locals. The tourist flow at national level is mainly composed of Hans, thus encouraging assimilation. The cultural values of these heritage sites have also been destroyed, for example tourists can eat and drink alcohol near sacred places, which sends a strong signal to the local population about the value and preservation of their heritage. Indeed, the loss of cultural significance of places is also a key element of Chinese state policy towards Uyghur heritage. If access is not restricted to tourists, then more often than not Uyghur sites have simply been closed. For example, Uyghur shrines were gradually closed between 1997 and 2013, with the first step being the prohibition of reciting the history of saints and reading religious texts on site. This leads to the loss of significance of these shrines. Criticism of religious practices is also an important element of the cultural cleansing carried out by the Chinese authorities: daily prayers, fasting, abstinence from pork, wearing a long beard or a veil, are described as anti-social. It has also become impossible for Uighurs to gather in large groups for religious activities. The religious elements of the Uyghur cultural heritage were therefore the first to

be targeted by the policy of assimilation, particularly through tourism and the reorganisation of the territory.[10]

After 2001 and the US policy of "War on terror", the rhetoric of Chinese authorities turned against religious extremism and terrorism to justify internal security policies towards Uyghurs[11]. This has turned into a systematic rhetoric to categorise any incident related to the Uyghur community as terrorism. This has also led to increased surveillance of the population in Xinjiang. All expressions of the Muslim faith are now targeted. The architecture and Islamic imagery of Uyghur cities are also attacked. Between 2015 and 2016, thousands of mosques were destroyed under the pretext of risks of collapse, insalubrity, or for new urban planning projects. These destructions can take two forms, either the complete destruction, or the “Sinicization” of the building. The latter strategy consists of removing the "Islamic" elements of buildings, such as minarets or domes. Numerous sanctuaries were also destroyed during the same period, as well as cemeteries that are sometimes millennia old.

The vast majority of the destroyed elements dated from the 1980s, but some with a much longer history were also affected by this policy. This is the case of the Igdah Mosque in the city of Kerija, probably dating from the 13th century. It was the largest mosque in Xinjiang. It was assumed that the entire mosque had been destroyed, before the Chinese state claimed that only the gateway was missing but that the old and small prayer halls still existed. This was so it could be claimed that cultural heritage preservation laws had been respected. The rest was destroyed under the pretext of safety regulations. The Muslim officials of this symbolic mosque were also arrested by the Chinese state and convicted of terrorism.

From 2017 onwards, the Chinese state has systematically targeted the entire Uyghur culture, not just its religious component. All elements of Uyghur culture are now targeted by the repressive policy and treated as

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10 Nathan Ruser, James Leibold, Kelsey Munro, and Tilla Hoja, Cultural Erasure: Tracing the Destruction of Uyghur and Islamic Spaces in Xinjiang, Canberran, Australian Strategic Policy Institute, September 2020. Newlines Institute for Strategy and Policy and Raoul Wallenberg Centre for Human Rights, *The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention*, 2021.

11 Jean-Philippe Béja, « Après le 11 septembre, la Chine partenaire indispensable ? », November 2001.

terrorists. In addition to the local religious authority figures, intellectuals, writers, and artists are interned. Mandarin language training has been reinforced, and it is no longer advisable to speak Turkish in public. The adoption of cultural elements of the Han identity has also been imposed, and inter-ethnic marriages are strongly encouraged. Since 2017, an estimated 65 percent of the region's mosques have been destroyed or damaged as well as 58 percent of the religious-cultural sites including the site of Ordam Padshah, considered one of the holiest of the Uyghur culture.[12]

Repeated attempts by the Chinese state to forcibly assimilate the Uyghur populations of Xinjiang have resulted in the prohibition of most forms of cultural and religious expression, the destruction of cultural heritage, but above all in human damage. The Uyghur cultural heritage is gradually being destroyed, erased, with the aim of being forgotten in the long term to promote Chinese national unity. This attack takes place in a historical context charged with the 20th century when Uyghur cultural identity was already perceived as dissonant by the Chinese state. The destruction of Uyghur heritage is also part of a pattern of using cultural heritage and tourism to silence the cultural dissonance of minorities within China. In addition to the cultural and identity issues raised by the Uyghur populations in Beijing, the control of Xinjiang is also a key economic issue. As a crossroads of trade routes between the European and Asian continents, the autonomous region is at the heart of the "New Silk Road" project and its subsoil contains important deposits of natural resources.

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